

PAPERS

RELATIVE TO

THE WAR IN SPAIN,

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PAPERS

RELATIVE TO

THE WAR IN SPAIN,

1834 to 1838; viz:

	<i>Page</i>
I. ACCOUNT of sums of Money advanced for the use of the Queen of Spain	1
II. ACCOUNT of Arms, Stores, &c. furnished by the British Government	2
III. ACCOUNT of Supplies to, and Expenses of Repairs of, Spanish Vessels of War	4
IV. CORRESPONDENCE respecting Pay and Demands of the Officers of the British Legion	5
V. CONTRACTS and Engagements of Spanish Government with British Subjects serving under the Orders in Council	63
VI. CORRESPONDENCE relative to the raising in the United Kingdom of a Body of 10,000 Men	63
VII. CORRESPONDENCE about the Re-organization of the British Legion	65
VIII. CORRESPONDENCE about the Payment for Supplies furnished to the Spanish Government	67
IX. CORRESPONDENCE about the Atrocities of the War in Spain	68

Presented to the House of Commons, by Command of Her Majesty,

1839.

LONDON:

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LIST OF PAPERS.

		Pa
No. I.—	Account of all sums of money paid or advanced by order of any British authority on account of, or for the use of Her Majesty the Queen of Spain, since the signature of the Quadruple Treaty - - - - -	1
<hr style="width: 20%; margin: 10px auto;"/>		
No. II.—	Account of all arms, naval or military stores, provisions, or other supplies furnished by any public department, or supplied from Her Majesty's ships serving on the Coast of Spain, or elsewhere, for the use of the forces of the Queen of Spain or of the British Auxiliary Legion, since the signature of the Quadruple Treaty; together with an account of the value of the same -	2
<hr style="width: 20%; margin: 10px auto;"/>		
No. III.—	Account and estimate of all supplies made to vessels of war belonging to the Government of Spain, and the amount of all expences for refitting and repairing Spanish vessels in our ports - - - - -	3
<hr style="width: 20%; margin: 10px auto;"/>		
No. IV.—	Copies or Extracts of all Correspondence relative to their pay and demands, which have passed between the officers of the Legion and Her Majesty's Government.	
No.		
1.	Colonel Mc Dougall to Viscount Palmerston. United Service Club, Waterloo Place.. June 6, 1836	5
2.	Colonel Mc Dougall to Viscount Palmerston. Senior United Service Club, Pall Mall, August 26, 1837	5
3.	J. Backhouse, Esq. to Colonel Mc Dougall. Foreign Office September 6, —	13
4.	Colonel Mc Dougall to J. Backhouse, Esq. Senior United Service Club October 27, —	15
5.	Colonel Mc Dougall to J. Backhouse, Esq. Senior United Service Club October 28, —	14
6.	J. Backhouse, Esq. to Colonel Mc Dougall. Foreign Office November 2, —	15
7.	Colonel Mc Dougall to Viscount Palmerston. Senior United Service Club October 27, —	15
8.	Colonel Mc Dougall to Viscount Palmerston. Senior United Service Club December 7, —	16
9.	J. Backhouse, Esq. to Colonel Mc Dougall. Foreign Office December 12, —	17
10.	Colonel Mc Dougall to Viscount Palmerston. Senior United Service Club January 16, 1838	17
11.	J. Backhouse, Esq. to Colonel Mc Dougall. Foreign Office February 5, —	25
12.	Colonel Mc Dougall to Viscount Palmerston. Senior United Service Club March 15, —	26
13.	Colonel Mc Dougall to Viscount Palmerston. Senior United Service Club March 31, —	26
14.	Colonel Jacks to Viscount Palmerston. San Sebastian September 25, 1837	27
15.	Colonel Jacks to Viscount Palmerston. San Sebastian September 28, —	32
16.	The Hon. W. Fox Strangways to Colonel Jacks. Foreign Office October 13, —	34
17.	Viscount Palmerston to G. Villiers, Esq. Foreign Office October 13, —	34
18.	Colonel Jacks to the Hon. W. Fox Strangways. San Sebastian November 15, —	35
19.	J. Backhouse, Esq. to Colonel Jacks. Foreign Office December 5, —	36
20.	Colonel Fortescue to Viscount Palmerston. 15, Devonshire Place August 12, —	37

No:	Page
21. The Hon. W. Fox Strangways to G. Villiers, Esq. Foreign Office.....	August 23, 1837 38
22. Col. Shaw to Viscount Palmerston. Salopian Coffee-House, Charing Cross, September	6, — 39
23. Col. Shaw to Viscount Palmerston. Salopian Coffee-House, Charing Cross, November	2, — 44
24. John Backhouse, Esq. to Col. Shaw. Foreign Office.....	November 8, — 44
25. John Backhouse, Esq. to Col. Shaw. Foreign Office.....	November 8, — 44
26. Col. Shaw to Viscount Palmerston. Salopian Coffee-House ...	December 16, — 45
27. Col. Shaw to Viscount Palmerston. Clapham Road.....	January 3, 1838 45
28. J. Backhouse, Esq. to Col. Shaw. Foreign Office.....	January 31, — 45
29. Col. Shaw to Viscount Palmerston. Portland Place, Clapham Road.....	April 14, — 46
30. John Backhouse, Esq. to Col. Shaw. Foreign Office.....	April 26, — 46
31. Colonel Shaw to Viscount Palmerston. Portland Place, Clapham Road.....	April 20, — 47
32. John Backhouse, Esq. to Col. Shaw. Foreign Office.....	May 4, — 47
33. John Backhouse, Esq. to Col. Shaw. Foreign Office.....	May 12, — 47
34. Brigadier-Gen. O'Connell to Viscount Palmerston. San Sebastian.....	July 30, — 49
35. Brigadier-Gen. O'Connell to Viscount Palmerston. London.....	January 5, — 50
36. J. Backhouse, Esq. to Gen. O'Connell. Foreign Office.....	January 31, — 50
37. Brigadier-Gen. O'Connell to Viscount Palmerston. London.....	January 29, — 50
38. J. Backhouse, Esq. to Brigadier-Gen. O'Connell. Foreign Office.....	January 31, — 52
39. Brigadier-Gen. O'Connell to Viscount Palmerston. London.....	February 21, — 52
40. The Hon. W. Fox Strangways to Brigadier-Gen. O'Connell. Foreign Office.....	March 31, — 52
41. Brigadier-Gen. O'Connell to Viscount Palmerston. London.....	April 30, — 53
42. J. Backhouse, Esq. to Brigadier-Gen. O'Connell. Foreign Office.....	May 5, — 53
43. Brigadier-Gen. O'Connell to Viscount Palmerston. London.....	May 10, — 54
44. J. Backhouse, Esq. to Brigadier-Gen. O'Connell. Foreign Office.....	June 7, — 55
45. J. Backhouse, Esq. to Sir G. De Lacy Evans. Foreign Office.....	January 1, — 56
46. J. Backhouse, Esq. to Sir G. De Lacy Evans. Foreign Office.....	February 26, — 60

No. V.—Copies or Extracts of the original contract or engagements entered into by the Government of Spain, or through their Ambassador, with any of Her Majesty's ministers or officers in command, or in Her Majesty's service, respecting any engagement of British subjects serving under the Orders in Council - - - - - 63

No. VI.—Copies or Extracts of General Alava's letter, praying a special order to raise, in the United Kingdom, a body of 10,000 men; and Lord Palmerston's letter, dated 11th June, 1835, stating that it was the intention of His Majesty's Government to give every encouragement to half-pay officers to avail themselves of the permission granted to His Majesty's subjects.

1. General Alava to Viscount Palmerston. 54, Harley-Street.....	June 5, 1835 63
2. Viscount Palmerston to General Alava. Foreign Office.....	June 8, — 64

No. VII.—Copies or Extracts of any Correspondence between the Foreign Office and Colonel Wylde, relating to the re-organization of the late British Auxiliary Legion.

1. Colonel Wylde to Viscount Palmerston.	San Sebastian	May	27, 1837	65
2. Viscount Palmerston to Colonel Wylde.	Foreign Office	June	19, —	66
3. Colonel Wylde to Viscount Palmerston.	San Sebastian	June	28, —	66
4. Colonel Wylde to Viscount Palmerston.	San Sebastian	July	19, —	66

No. VIII.—Copies or Extracts of any Correspondence relating to the payment for supplies to Her Majesty's Government from that of the Queen of Spain, with any statement of any sums or securities received.

1. G. Villiers, Esq. to M. Martinez de la Rosa.	Madrid, March 30, 1835	67
2. M. Martinez de la Rosa to G. Villiers, Esq.	Palace, April 1, 1835	67

No. IX.—Copies or Extracts of all remonstrances and applications made to the Queen of Spain's Government, regarding the atrocities of the war (since the last papers presented to the House), and showing, if any, and what, further steps have been taken to promote the observance of the Eliot Convention.

1. Viscount Palmerston to G. Villiers, Esq.	Foreign Office	April	2, 1836	68
2. G. Villiers, Esq. to Viscount Palmerston.	Madrid	April	23, —	68
3. Viscount Palmerston to G. Villiers, Esq.	Foreign Office	April	28, —	69
4. G. Villiers, Esq. to Viscount Palmerston.	Madrid	May	29, —	69
5. G. Villiers, Esq. to Viscount Palmerston.	Madrid	June	12, —	70
6. Viscount Palmerston to G. Villiers, Esq.	Foreign Office	June	20, —	71
7. G. Villiers, Esq. to Viscount Palmerston.	Madrid	June	18, —	71
8. G. Villiers, Esq. to Viscount Palmerston.	Madrid	July	2, —	71
9. Viscount Palmerston to G. Villiers, Esq.	Foreign Office	July	14, —	72
10. Viscount Palmerston to G. Villiers, Esq.	Foreign Office	July	28, —	72
11. G. Villiers, Esq. to Viscount Palmerston.	Madrid	July	12, —	72
12. G. Villiers, Esq. to Viscount Palmerston.	Madrid	July	24, —	73
13. G. Villiers, Esq. to Viscount Palmerston.	Madrid	December	3, —	73
14. Viscount Palmerston to Sir G. Villiers.	Foreign Office	October	19, 1837	74
15. Sir George Villiers to Viscount Palmerston.	Madrid	November	25, —	74
16. Sir G. Villiers to Viscount Palmerston.	Madrid	December	24, —	75
17. Sir G. Villiers to Viscount Palmerston.	Madrid	March	10, 1838	75
18. Sir G. Villiers to Viscount Palmerston.	Madrid	March	24, —	80
19. Sir G. Villiers to Viscount Palmerston.	Madrid	March	24, —	82
20. Viscount Palmerston to Sir G. Villiers.	Foreign Office	April	5, —	82
21. Sir G. Villiers to Viscount Palmerston.	Madrid	April	21, —	82
22. Viscount Palmerston to Sir G. Villiers.	Foreign Office	May	5, —	84
23. Sir G. Villiers to Viscount Palmerston.	Madrid	May	5, —	84
24. Viscount Palmerston to Col. Wylde.	Foreign Office	November	6, 1837	91
25. Viscount Palmerston to G. Villiers, Esq.	Foreign Office	November	6, —	91
26. Viscount Palmerston to Col. Wylde.	Foreign Office	November	8, —	91
27. Viscount Palmerston to Sir George Villiers.	Foreign Office	November	8, —	92
28. Colonel Wylde to Viscount Palmerston.	Pamplona	November	27, —	92

PAPERS

RELATIVE TO

THE WAR IN SPAIN.

No. I.—Account of all Sums of Money paid or advanced, by order of any British Authority, on account of, or for the use of, Her Majesty the Queen of Spain, since the Signature of the Quadruple Treaty.

Return from the Admiralty Department, 17th July, 1838.

Paid for the hire, &c. of The "Prince Regent" and "Parmelia"

transports, employed in bringing home men of the British

Auxiliary Legion - - - - - £1,281 7 9

Admiralty, 17th July, 1838.

- (Signed) W. SYMONDS, Surveyor of the Navy.
R. DUNDAS, for the Accountant-General of the Navy.
R. DUNDAS, Storekeeper-General of the Navy.
W. BURNETT, for the Comptroller of Victualling.
W. BURNETT, Physician-General of the Navy.



No. II.—Account of all Arms, Naval or Military Stores, Provisions, or other Supplies furnished by any Public Department, or supplied from Her Majesty's Ships serving on the Coast of Spain, or elsewhere, for the Use of the Forces of the Queen of Spain, or of the British Auxiliary Legion, since the signature of the Quadruple Treaty, together with an Account of the Value of the same.

(1.)—Return from the Admiralty Department, 17th July, 1838.

NAVAL STORES.

Supplies from Her Majesty's Ships to the Forces of the Queen of Spain, including the British Auxiliary Legion - - - £83 17 4

PROVISIONS

For the Spanish Government and British Auxiliary Legion.

Biscuit, 60,884 lbs. ; Rum, 1,586 gallons ; Beef, 1,363 pieces, of 8 lbs. ; Pork, 919 pieces, of 4 lbs. ; Fresh Beef, 36,725 lbs. ; Vegetables, 14,659 lbs. ; Flour, 1,248 lbs. ; Suet, 392 lbs. ; Peas, 17 bushels ; Oatmeal, 23 bushels ; Sugar, 5,380 lbs. ; Tea, 418 lbs. ; Cocoa, 542 lbs. ; Chocolate, 2,805 lbs. ; Vinegar, 82 gallons ; Salt, 42 lbs. ; Wood, 3 cords ; Coals, 11 tons ; Candles, 194 lbs. ; Soap, 119 lbs. ; Daily Rations to Persons victualled, 3,672 ; Provisions, for Invalids of the British Auxiliary Legion on board H.M. Hulk "Swiftsure."

Value of the above - - - £2,887 4 11

MEDICAL CHARGES.

Amount of Subsistence, Medicines, Funeral Expenses, &c. on account of Sick and Wounded Men belonging to the British Auxiliary Legion at Medical Establishments - - - £168 17 0

ABSTRACT.

Naval Stores - - - - -	£ 83 17 4
Provisions - - - - -	2,887 4 11
Medical Charges - - - - -	168 17 0
Total - - - - -	<u>£3,139 19 3</u>

Admiralty, July 17, 1838.

(Signed) W. SYMONDS, Surveyor of the Navy.
 R. DUNDAS, for the Accountant-General of the Navy.
 R. DUNDAS, Storekeeper-General of the Navy.
 W. BURNETT, for the Comptroller of Victualling.
 W. BURNETT, Physician-General of the Navy.

(2.)—Return from the Army Medical Department, 18th July, 1838.

Army Medical Department, 18th July, 1838.

Return of all Stores furnished under the Directions of this Department for the Use of the Forces of the Queen of Spain, or of the British Auxiliary Legion.

Dates of Supplies.	Description of Supplies.	Value.		
		£.	s.	d.
1835. Sept. 2.	Surgical Instruments	315	0	0
Nov. 26.	Ditto Ditto	97	10	0
1836. Dec. 13.	Surgical Instruments } and Materials - }	159	12	6
	Total - -	572	2	6

THEODORE GORDON, M.D.

Deputy Inspector-General.

In the absence of the Director-General.

(3.)—Return from the Ordnance Department, 25th July, 1838.

SPANISH GOVERNMENT.

321,600 musquets, 10,000 carbines, 3,600 pistols, 10,000 swords, 4,000 rifles, 6,000,000 small arm cartridges, 29,028 cannon cartridges, 938,531 lbs. powder, 40,378 chests and barrels, 40 iron guns, 12 iron mortars, 28 travelling, 20 garrison, and 12 ammunition carriages, 28 shot and shells, 27,820 fuzes, 1,000 tents, 1,000 blankets, two bridges of pontoons, intrenching tools, &c.

One 18 pounder iron gun, six 18 pounder carronades, 30 musquets, 40 pistols, 40 swords, ammunition, shot, &c. for the Schooner "Isabella."

Two 18 pounder iron guns, four 32 pounder carronades, 24 musquets, 24 pistols, 24 swords, ammunition, shot, &c. for the steam ship "City of Edinburgh."

Six 32 pounder iron guns, 80 musquets, 40 pistols, 100 swords, 40 pikes, ammunition, shot, &c. for the steam ship "Isabella II."

AUXILIARY LEGION.

15,000 musquets, 1,200 carbines, 850 pistols, 1,000 swords, 600 rifles, 5,608,000 small arm cartridges, 22,023 cannon cartridges, 13,018 lbs. powder, 11,429 chests and barrels, 26 brass guns, 2 iron howitzers, 4,730 congreve, and 350 signal rockets, 18,487 fuzes, 13,942 shot and shells, 90 carriages for guns and rockets, 45 waggons and carts, 468 sets of harness, 15 tents, with bedsteads, bedding, hospital dresses, blankets, &c. &c.

To cover the expenditure of the artillery attached to the squadron under the command of Lord John Hay.

Two light or mountain howitzers, with equipment complete, 1,310 shot and shells, 2,258 cannon cartridges and bursters, 1,352 fuzes, 2 pack saddles, &c.

Value :—		£
Spanish Government	487,060
Auxiliary Legion	68,200
Artillery attached to the squadron, under the command of	} 971	
Lord John Hay		
		<u>556,231</u>

Extra pay, or any other allowances received by the officers and men of the Ordnance corps, since 1st September, 1834 :—

Officers—Royal Artillery	499	
Ditto—Royal Engineers	501	1,000
		<u> </u>	<u> </u>
Total - -		£557,231	

Office of Ordnance, July 25, 1838.

By order of the Master General and Board,

(Signed)

G. BUTLER, for the Secretary.

No. III.—Account and Estimate of all Supplies made to Vessels of War belonging to the Government of Spain, and the amount of all expenses for refitting and repairing Spanish Vessels in our Ports.

Return from the Admiralty Department, 17th July, 1838.

Stores supplied from Her Majesty's Dock Yards to ships belonging to the Queen of Spain - - - - -	£.	s.	d.
Expense of repairing the "Isabella Segunda" Spanish steam vessel at Sheerness - - - - -	968	14	1
	2,830	0	0
	<u>£3,798</u>	<u>14</u>	<u>1</u>

Admiralty, 17th July, 1838.

(Signed)

W. SYMONDS, for the Surveyor of the Navy.

R. DUNDAS, for the Accountant-General of the Navy.

R. DUNDAS, Storekeeper-General of the Navy.

W. BURNETT, for the Comptroller of Victualling.

W. BURNETT, Physician-General of the Navy.

IV.—Copies or extracts of all correspondence relative to their pay and demands, which have passed between the officers of the Legion and Her Majesty's Government.

No. 1.

Colonel McDougall to Viscount Palmerston.—(Received June 7.)

United Service Club, Waterloo Place,

(Extract.)

June 6, 1836.

I REQUEST permission respectfully to represent to your Lordship, that on the 12th of last March the Spanish Prime Minister entered into a solemn engagement with the British Commissioner in Spain and me, on the following points:—

- 1st. To pay the arrears due to the Legion.
- 2nd. To pay the officers and men of the Legion, monthly in advance, in accordance with the practice of the British army.
- 3rd. To establish, advance, and reserve magazines of clothing, necessaries, camp equipment, and of all the material necessary to render the Legion efficient.
- 4th. To establish depôts of provisions, with at least two months' supply constantly kept up in them.

I consider it my duty to have the honour to state, that it is my deliberate and conclusive opinion, that the Legion can only be maintained in its present high state of efficiency, by the Government of Her Catholic Majesty giving the most faithful effect to all the above-mentioned conditions, that any serious breach of the contract entered into, would be likely to lead to consequences which might be greatly deplored.

No. 2.

Colonel McDougall to Viscount Palmerston.—(Received August 31.)

Senior United Service Club, Pall Mall,

My Lord,

August 26, 1837.

FINDING, with deep regret, that justice is still denied to the officers and men who served in the late British Auxiliary Legion of Spain, and having heard that the settlement of their claims is likely to be retarded by the resignation of Colonel Wetherall, I feel it to be a duty I owe to those men who have been hitherto so unjustly and cruelly dealt by (many of whom are in consequence now suffering the severest privations, which I and other individuals have endeavoured to alleviate; but, as may be supposed, in a very ineffectual manner, from our own private means), to have the honour to state to your Lordship my firm conviction, that Her Majesty's Government is morally and politically bound to see that their just claims are immediately attended to without any further delay.

I beg permission to premise, that I trust I cannot be considered to be personally interested in my present representation, while your Lordship is aware that I declined to receive the pay of Quarter-Master-General (amounting to £1. 15s. per diem), while serving in that capacity in the British Auxiliary Legion of Spain.

The grounds on which my opinion is founded, relative to the moral and political obligation of Her Majesty's Government to extend the fullest protection to the officers and men, are as follows:

1st. The publication of the Order in Council of the 1st June, 1835, in which document His late Majesty distinctly encouraged his subjects to enter the army of the Queen of Spain, in consequence of which, many of the superior officers were of opinion that in serving Her Catholic Majesty, they were rendering the most acceptable service to His late Majesty as well as to His Majesty's Government, and were thereby assured of the effectual support and protection of both; and I am aware of the fact, that unless they had entertained such a conviction, many of them never would have lent their aid to the cause in which they engaged.

2nd. His late Majesty's Commissioner, Colonel Wylde, having accompanied me to Madrid in March, 1836, for the purpose of remonstrating with the Spanish Ministers, relative to the privations and frightful sufferings of the Legion,

resulting from the lamentable breach of contract on the part of the Spanish Government (arising from the financial difficulties in which they were placed); and Colonel Wylde having been a party with me in all the negotiations with the Spanish Ministers at the above named period.

3rd. His late Majesty's Representative at the Court of Madrid, His Excellency Mr. Villiers, having taken a part in the Conferences that Colonel Wylde and I had with the Prime Minister of Spain; and all the written communications made by Colonel Wylde and me, having been transmitted to the Spanish Minister through Mr. Villiers; as appears by the accompanying copy of a letter (marked A), addressed to His Excellency by Colonel Wylde and me.

4th. It having been proposed by Colonel Wylde and me (in the document marked No. 2), and agreed to by the Spanish Prime Minister, that the Legion should be paid from the first March, 1836, *in advance, in strict accordance* with the practice of the British Army, and that all arrears due at that period should be fully liquidated before the first June, 1836.

5th. The Prime Minister of Spain having addressed a letter (marked No. 5) to Colonel Wylde and me, in which his Excellency expresses his approval of all the conditions we proposed, and his satisfaction in "our ideas being throughout in perfect harmony with his own."

As it distinctly appears from the above, that not only did Colonel Wylde, His late Majesty's Commissioner, act in conjunction with me in all the communications made to the Government of Madrid; but that our written communications were sent through the British Minister at that Court, there cannot, I should hope, be a doubt that their solemn and official participation, in my negotiations, as Quarter-Master-General of the British Auxiliary Legion, with the Spanish Minister, in March, 1836, morally and politically bound the Government of which his Excellency Mr. Villiers and Colonel Wylde were the representatives, to enforce the faithful fulfilment of all the stipulations entered into at the above-named period; and in the event of Spain being really unable to find the means of immediately liquidating the claims of the officers and men, as little doubt can be entertained of their being entitled to look to Her Majesty's Government for an advance of the necessary sum for that purpose, until Her Catholic Majesty's Government may be enabled to repay it.

I beg to remark, that according to the report of the debate on the Spanish Question, Sir Henry Hardinge is stated to have expressed himself as entertaining the opinion of the Government's having been a party to the negotiation carried on by me at Madrid in March, 1836, and being accordingly responsible; and I am satisfied from all I have learned, that such an opinion was in accordance with the sentiments of the majority of the House of Commons, and that, therefore, no doubt can be entertained of the passing of a vote of credit sufficient to do justice to the officers and men of the Legion.

I would beg leave, my Lord, to express my deep concern that so many officers and men should have been so long deprived of the means of leaving Spain after the termination of their service, and afterwards thrown helpless on the world, after the soldiers had spent every thing they had during their highly improper detention at St. Sebastian, and that they were thereby placed in a situation of serious temptation; while, on the other hand, if they had only bare justice done to them, and ships had been in readiness immediately to convey them to England, on the termination of their service on the 10th of last June, they might have had the means of returning in respectability and comfort to civil life.

How often does experience show that pecuniary embarrassments lead a man to do that, at the commission of which he would have shuddered a few months before. May not such be the case with, perhaps, many hitherto fine fellows of the ill-used Legion?

In conclusion, I may be permitted to say, that in now having the honour to address your Lordship, I am actuated by a sense of the duty I owe to a body of officers and men to whom I must ever feel grateful for the perfectly *submissive discipline* exhibited by them during *the whole period I served with them*, notwithstanding all the miseries, privations, and injustice to which they were subjected by the breach of contract on the part of the Spanish Government, as detailed in the Memorandum marked No. 1; and with reference to the mutiny that took place after I left the Legion, I beg leave to add, that I distinctly foretold to the Prime Minister of Spain, in March, 1836, and afterwards to your Lordship on

the 5th June, 1836, and to His Majesty's Commissioners (as appears by document marked No. 6.) "that notwithstanding the hitherto submissive discipline and forbearance of the soldiery, any further infraction of, or delay in, the faithful fulfilment of the conditions that were agreed to by the Spanish Government, and Colonel Wylde and me, might lead to consequences most deeply to be deplored, and which might soon become altogether beyond the remedial controul of the Lieutenant-General and the officers under his command."

I have the honour to be, &c.

Viscount Palmerston, G.C.B.

(Signed)

D. Mc DOUGALL.

&c. &c. &c.

(A.) Inclosure 1 in No. 2.

Colonels Mc Dougall and Wylde to George Villiers, Esq.

Sir,

Madrid, March 5, 1836.

WE have the honour to request that your Excellency may be pleased to transmit to his Excellency M. Mendizabel, the inclosed letter addressed to him by us, together with the documents accompanying it, relative to the state in which the British Auxiliary Legion has been placed, in consequence of their large arrears of pay, and their deprivation of all the comforts and aid that a soldier has an undoubted right to expect; the latter arising through the callous neglect of the Spanish authorities at Vitoria; from which has resulted destitution, misery, sickness, and frightful mortality; all which has necessarily led to the inefficiency of a great portion of the Legion for present active operations.

Document, No. 1. is a memorandum regarding the present state of the Legion, and in relation to the base and unjust calumnies that have been circulated against it; as well as in respect to the payment of the arrears, and the future regular issue of pay to the troops, in accordance with the practice of the British army, as likewise in reference to the immediate establishment of sufficient depôts of provisions, and of all the material required to keep up the efficiency of an army in the field; and relative to providing proper hospitals, medicines, and medical comforts for the sick.

Document, No. 2, is a modification of the first head in the memorandum above alluded to regarding the payment of the arrears due to the Legion.

Document, No. 3, is a memorandum of the number of officers and men in the Legion, on which the calculation of the arrears due, and of the sum required to be lodged in the military chest for the future regular payment of the troops from the 1st of March must necessarily be made.

Document, No. 4, is a memoradum showing the indispensable necessity of peremptory orders being forthwith forwarded to the Deputation of Vitoria, in respect to the future regular and systematic issue of provisions to the Legion.

We beg leave to have the honour to observe to your Excellency, that it is our deliberate and conclusive opinion, that the Legion can only be rendered and kept efficient by the Government of Her Catholic Majesty giving full and immediate effect to all that our sense of duty has imperatively called on us to propose.

We have the honour to be, &c.

(Signed) W. WYLDE, Lieutenant-Colonel,

H. B. M. Commissioner.

D. Mc DOUGALL, Brigadier-General,

Quarter-Master-General.

His Excellency George Villiers, Esq.

&c. &c. &c.

(Document No. 1)—Inclosure 2 in No. 2.

Memorandum regarding the State of the British Auxiliary Legion of Spain, on Brigadier-General Mac Dougall's assuming the duties of Quarter-Master-General; and in relation to the base calumnies that have been circulated against it.

Madrid, March 4, 1836.

ON the arrival of the Legion at Brieviesca, and neighbouring cantonments, early last November, after a march from Bilbao of a most trying character for

young troops, who had only been collected together a few months previously from their agricultural and mechanical pursuits, the excellent state of the health in the several Regiments excited wonder in the Medical Officers, (there having been only sixty cases of sick, and none of a serious character);—while the good conduct of the men fully equalled that of any regularly organised old troops that had been seen by me on service in the field.

On the Legion's reaching Vitoria, on the 3rd December, its sanitary state was still excellent, (there having been only about one hundred sick); and although the soldiers had experienced many privations in respect to want of bedding and warm covering at night;—from the impossibility of providing them with necessaries, owing to the want of money;—from the state of their clothing, owing to fair wear and tear, in consequence of the wretched quality of the cloth that had been sent out to them from England; and from the irregular issue of provisions, through the inexperience, at that time, of the new Commissariat, which greatly interfered with the comfort and duties of the men, as leading to the greatest irregularity in their meals, and, consequently, to a serious interference with their necessary instruction parades, and other requisite regimental arrangements; yet, notwithstanding all these serious drawbacks, the Legion entered Vitoria in a state of discipline, and exhibiting a moral conduct that excited surprise in the minds of all officers of experience.

As a proof of their sobriety, I can state the fact that, from the 3rd of December, the day we entered Vitoria, until the 25th, Christmas day, I only saw one man drunk, in a garrison of six thousand men!

At Vitoria, where all anticipated that the soldier would find the comforts necessary for him, the troops were put into cold and damp churches and empty convents, without one single blanket, and with palliasses for only about one-fourth of their number;—in consequence of which the men had to sleep on the cold and damp stone floors, without any covering but their clothes; while the scanty and irregular supply of fuel was hardly sufficient for their cooking,—leaving none whatever to promote the warmth of the man, during a winter season of uncommon inclemency.

From the 3rd to the 16th of December, the troops were left entirely destitute of blankets; and on the latter day an issue of three thousand was made, one thousand one hundred of which were sent to the hospital, leaving in the proportion of one blanket for every four men.

On the 6th of January, 1836, a few more blankets were issued, but those it became necessary to send to the hospitals.

The probable consequences to the health of the troops were foreseen, and frequently represented to the Spanish authorities; but as those representations and forewarnings were altogether disregarded up to the 22nd December, an official letter was written by me on that day (while I commanded in Vitoria, during the absence of the Lieutenant-General at the Head-Quarters of General Cordoya) foretelling, on the report of the medical authorities, that the health of the troops would be so seriously injured, from their sleeping on the cold and damp church and convent stone floors, without beds or blankets, as vitally to effect the efficiency of the Legion.

Still, notwithstanding the above solemn representation and forewarning, the greater part of the poor soldiers were left, by the Spanish authorities, without bedding or blankets, while it was impossible for us to obtain them in Vitoria or the neighbourhood, even by purchase. Thus the state of disease that was foretold, as above mentioned, began to make its appearance, and soon afterwards that lamentable mortality ensued, which justice must attribute to the total disregard evinced by the Spanish authorities to all our representations and forewarnings, and to their inexcusable neglect in not having made the provision of bedding and blankets which had been promised to be ready for the Legion on its arrival at Vitoria;—to which may be added the insufficiency of fuel, as well as the irregular issue, and frequently unwholesome state of the rations;—the latter resulting from badly baked and hot bread, together with meat, too frequently cooked by the men, warm from the slaughter house.

From the above causes, which were entirely beyond the controul of the Lieutenant-General and those under his orders, the mortality amounted to the appalling number of five hundred and sixty-two in the course of a few weeks!

The following will show the progressive increase of disease and death after the arrival of the Legion in Vitoria:—

	Sick.	Deaths.
On the 3rd Dec. - - - - -	100	—
31st Dec. - - - - -	701	100
31st Jan. - - - - -	1,055	237
24th Feb. - - - - -	949	228
		565

During the months of January and February, twenty-five officers died, of which number ten were surgeons, who contracted their mortal ailments from their constant attendance in the unhealthy atmosphere of the crowded and ill-ventilated hospitals, which could alone be procured from the Spanish authorities for the perishing sick, while the bedding furnished was so insufficient as to render it necessary to place two sick men in one bed.

Thus the hospitals became pest houses, and the awful responsibility of their having been so, rests on those authorities who were deaf to all the representations and forewarnings respecting the frightful consequences that would surely result from their continued and callous disregard of them.

The irregular issue of the rations to the troops likewise greatly induced disease, in the opinion of the medical officers; the deputation of Vitoria having notwithstanding the most urgent entreaties, constantly refused to deliver the necessary provisions into the Commissariat Stores, for the purpose of their being from thence regularly and systematically issued to the soldiers; the consequence of which refusal was, that the men frequently did not get their rations until a late hour at night, after the fatigue parties had been kept the whole day in the streets, at the doors of the several contractors, to the injury of their health and morals.

In respect to the disease and mortality in the Legion, the Inspector-General of Hospitals thus expresses himself.

“ I have considered it my duty frequently to represent the insufficient clothing of the troops during this most inclement season, especially the want of beds and blankets during the night—the frequent issue of bad food, particularly the meat delivered warm from the slaughter-house, sometimes deficient in quantity, and at most irregular hours; these are causes I consider sufficient alone to account for the sickness and mortality in the Legion. Bad unhealthy food,—and such is meat reeking with life,—generally too late, and eaten at irregular hours; want of covering and warmth at night; these are causes sufficient to produce sickness and death among veteran troops accustomed to the climate, the hardships, and routine of a soldier’s life: to a new levy taken into a foreign clime, it is enough to destroy them.

“ The greatest want has been felt, and misery and injury accrued from every comfort essential to the welfare of the sick men—proper accommodation in buildings for hospitals, beds, beddings, utensils of every description, and medicines,—all having been most scantily and insufficiently supplied; the consequence has been a great and unnecessary increase of suffering and death, both in men and medical officers.

“ From the want of remedial means another great evil has resulted in the treatment of the sick, which has been by necessity confined to the exhibition of a few—very few—simple remedies,—any variety or scientific combination has been rendered altogether impossible thus far, as relates to the sick in hospital.”

The moral conduct of the soldiery of the Legion having been most unjustly attacked, I fearlessly call upon any one to show an example of an equal number of any troops, who have been more free from crime of a grave character than the Legion has been.

Drunkenness is one of the vices attributed to them; to this I reply by asserting, that for one soldier that I have seen drunk in the Legion, I have seen ten in the same number of other troops. In truth, the comparative sobriety of

the legionary soldiers excites the surprise of all the old officers serving with them. In a brigade that I lately commanded, before I assumed the duties of Quarter-Master-General, drunkenness was nearly unknown, and the men composing it were *altogether* Irish.

Selling necessaries is another accusation made against them; but what troops in the world are there that do not do so? particularly when they are greatly in arrears of that pay which is indispensable to furnish them with the comforts of breakfast, tobacco, &c.

Although the disposal of necessaries must be considered a serious military crime, as affecting the efficiency of the soldier, yet, under the circumstances in which the men of the Legion have been placed, the wonder is, that it has not been of more frequent occurrence, while the conduct of other troops in regard to the same practice is borne in mind by officers of experience.

Plunder is likewise placed to their account; but to this I also fearlessly reply, show me any equal number of troops where less of it has been exhibited, or in relation to which a more stern discipline has been kept up; or where restitution of the value lost has been more strictly and faithfully attended to.

Destruction of the wood work of convents has likewise been laid to their charge; this it is true they have done in some cases, but when it is considered that they were perishing with cold from want of fuel, while they had scanty clothing by day, and the greater number were stretched on the cold and damp convent stone floors at night, without beds or blankets,—I can once more fearlessly say, draw a comparison between them and any other troops, and such a comparison will redound to the credit of the Legion.

With thirty-two years experience as a soldier, I could not believe, had I not seen it myself, the state in which the Legion is in respect to moral conduct and submissive discipline, and that too in men collected together within a very few months from the plough and workshop,—men who left their country under the promise of being regularly paid, and who find themselves already nearly three months in arrear.

My firm and deliberate opinion is, that the more deeply that the treatment, sufferings, and conduct of the Legion are scrutinized, the more will their behaviour and discipline reflect credit on them.

The honour of Great Britain—the justice of the Spanish Government,—the character of the Lieutenant-General,—the reputation of the Legion—and, the success of the cause in which it is engaged, all demand the immediate removal of the causes which have led to the privations, sickness, and frightful mortality in the Legion, from which have resulted the base and totally unjust calumnies of their malicious enemies in Madrid and other places.

Let the Legion have nothing but bare justice in respect to pay and rations, with the establishment of the necessary depôts for provisions and equipments, and there will be nothing then discouraging in its position.

After the above is done, one month will suffice to place four thousand five hundred of the men, now in Vitoria, in a state of efficiency equal to any troops, while week after week that number would be added to by the convalescents, as they became fitted, from their restored health and strength, to rejoin their comrades in the field.

With the experience that the officers have already acquired, those four thousand five hundred really efficient men would far exceed in value, double that number of less efficient troops; and they would, I well know, be equal to any kind of work.

But to insure the arrival of the Legion at so desirable a point, it is indispensable:

1st. That the whole of the arrears due to the Legion should be paid up.

2nd. That the means shall be afforded for paying the men daily, for the future, according to the practice in the British service, for which purpose the pay for the month of March must be immediately placed in the military chest; and for every subsequent month eight days before its commencement.

3rd. That magazines of provisions should be established under the sole controul of the Lieutenant-General, and under the responsibility of the Commissariat of the Legion, unattended by the interference of any other body or individual; the supply, in which shall constantly be kept up to two months, to

prevent the possibility of the efforts of the Legion becoming paralyzed from empty or insufficiently supplied magazines.

4th. That reserve and advanced depôts of all articles of field equipments, and of all necessaries requisite to maintain the efficiency of the soldier in the field, shall be immediately established and constantly kept up, so that all losses affecting the efficiency of the troops may be speedily replaced.

5th. That the most satisfactory means shall exist for the establishment of hospitals, together with a sufficient supply and reserve of medicines and surgical instruments, as well as of all kinds of medical comforts; and that the deficiency in medical aid, arising from the late great mortality in that department, shall be immediately replaced.

Without the above, and the whole of the above, as enumerated under the five preceding heads, all the talents of a General, and all the physical qualities of the finest men, will become paralyzed, and of no avail in active field operations.

(Signed) D. Mc DOUGALL,
Quarter-Master-General.

(Document No. 2.)—Inclosure 3 in No. 2.

Modification of the 1st Head, relative to the Payment of the Arrears.

Madrid, March 5, 1836.

THE accounts of the month of March to be kept distinct and separate from all former ones; and from the 1st of that month the men to commence, and ever afterwards continue to receive their pay daily, in strict accordance with the practice of the British Army; for which purpose the whole of the pay and allowances for that month, should be immediately sent to the military chest; and a solemn engagement entered into that the amount of the pay and allowances for every subsequent month shall be lodged in the military chest, on or before the 24th day of each preceding one.

The accounts of the Legion to be closed and balanced up to the 29th February, 1836, and one-third of the balance appearing to be their due to be added to the regular monthly payments above proposed, so that one-third of the arrears shall be extinguished before the 1st April, two-thirds before the 1st May; and that the whole of the arrears shall be liquidated in full, on or before the 1st June, 1836.

But we request it may be distinctly understood, that the fulfilment of the above in letter and spirit, as well as of what is laid down under the 2nd, 3rd, 4th, and 5th heads, in the Quarter-Master-General's memoranda of the 4th March, 1836, is considered indispensably necessary towards placing the Legion in a state of efficiency.

Although the Lieutenant-General's approval of the above proposed modification, relative to the payment of the arrears, cannot be guaranteed, yet it is hoped that he may be induced to accede to it.

Anxious as we are for the success of the cause in which the Legion is engaged, we consider it our duty to state our conscientious conviction, that with the resignation of the Lieutenant-General would terminate the existence of all confidence on the part of the soldiery, relative to the liquidation of their arrears, or the regular issue of their future pay; as they naturally look up to him as the contracting party with General Alava, the representative of the Spanish Government, as the protector of their claims and rights.

The possible consequences which might result from such a contingency, cannot fail to demand the most serious consideration in all reflecting minds.

(Signed) D. Mc DOUGALL, Brigadier-General,
Quarter-Master-General.
W. Wylde, Lieutenant-Colonel,
Her Britannic Majesty's Commissioner.

(Document No. 3.)—Inclosure 4 in No. 2.

Memorandum.

Madrid, March 5, 1836.

THE calculation of the arrears due to the Legion must necessarily be made on the following strength, according to the official returns of the Adjutant-General, dated 24th February, 1836.

Field Officers - - - -	45	Sergeants - - - -	438
Captains - - - -	96	Drummers - - - -	153
Subalterns - - - -	193	Rank and File - - -	7,539
Regimental Staff - - -	76		
		Total sergeants, drum-	
		mers, and rank and	
Total Officers - - - -	410	file - - - -	8,130

To the above must be added the arrears due to the representatives of deceased officers and soldiers.

The calculation of the sum necessary to be sent to the military chest for the future regular daily payment of the troops in accordance with the practice of the British army, will be required to be made on the above number, together with the addition of about one thousand men who have arrived, or who are about to arrive, at Santander from England.

The above is independent of the General Staff of the Legion.

(Document No. 4.)—Inclosure 5 in No. 2.

Memorandum.

Madrid, March 5 1836 .

HOWEVER short the period may be that the Deputation at Vitoria furnishes rations to the Legion, it is indispensable for the health and discipline of the soldiers, that the Deputation should immediately receive the most peremptory orders to issue three days' provisions, to be placed in the Commissariat store as a reserve; and that they should afterwards daily issue the rations for the following day to the Commissariat of the Legion, at an early hour in the morning of the preceding one.

The above simple and easy arrangement would insure regular supplies, and regular meals to the soldiers; while it would prevent the issue to him of hot bread and warm meat, so seriously injurious to his health.

It would likewise enable the Commissariat to issue, at any moment of a sudden movement, three days' provisions to the troops, as it is positively indispensable that they should be enabled to.

The continuation of the "hand to mouth" system adopted by the Deputation, can only be productive of disease, inefficiency, and discontent; and could not longer be permitted to exist, without its leading to consequences which there might be cause most deeply to deplore.

(Document No. 5.)—Inclosure 6 in No. 2.)

Gentlemen,

Madrid, March 12, 1836.

I HAVE the honor to inclose a copy of the articles drawn up by you, to which I have affixed the explanations you will observe at the margin, and which I beg you will deliver to Lieutenant-General de Lacy Evans with the letter which accompanies it.

I am happy to add that it is with pleasure I have seen that our ideas on the subject have throughout been in perfect harmony with each other; and trusting they will produce the happy results we have reason to anticipate,

I have the honor to remain, &c.

(Signed) **JUAN ALVAREZ MENDIZABEL.**
Brigadier-General McDougall and Colonel Wylde,
 &c. &c. &c.

(Document No. 6.)—Inclosure 7 in No. 2.

Sir,

Vitoria, March 17, 1836.

I LAMENT to say, that notwithstanding our having been in possession of the assurance of the Spanish Minister, under the date of 12th instant, that peremptory orders had been sent to the Deputation of Vitoria, to issue to the Commissariat of the Legion, three days' rations as a reserve, and afterwards daily to issue the rations to the Commissariat the day preceding their delivery to the troops; yet it appears by the inclosed copy of a letter from that body, that no such orders had been received by them.

With reference to the verbal statements we had the honour to make to their Excellencies Mr. Mendizabel and Mr. Villiers, relative to the dissatisfaction and discontent which were likely to be created amongst the soldiery, in consequence of the privations to which they had been subjected, from their irregular payments, from their want of bedding and blankets, and from their sleeping on the cold and damp floors of convents and churches; as well as in respect to the irregular issue and bad quality of their provisions, and the probability of all those grievances leading to desertion, I beg leave to transmit the inclosed copies of letters, which have been written by three deserters, and addressed to soldiers of the Legion.

The perusal of the above-mentioned letters, together with the fact of the numerous desertions that have occurred since the period of our leaving Vitoria for Madrid, cannot fail to carry conviction to every mind, of the perfect correctness of the opinion we offered to the Spanish Minister, relative to the possible effect which might be produced by the non-fulfilment of the conditions under which the soldiers had enlisted into the service of Her Catholic Majesty.

I am assured that it is altogether unnecessary to impress on your mind, the now even more evident necessity that exists, for the faithful fulfilment of all the conditions that were proposed by us, and agreed to by his Excellency Mr. Mendizabel; any infraction of, or delay in, which, may lead to consequences most deeply to be deplored, and which may soon become (notwithstanding the hitherto submissive discipline and forbearance of the soldiery) altogether beyond the remedial controul of the Lieutenant-General, and the officers under his command.

It is likewise, I am satisfied, equally unnecessary for me to remark, that the Lieutenant-General feels the protective duty he owes to the Legion under his command, to be paramount to every other consideration.

I have the honour to be, &c.

Lieutenant-Colonel Wylde,
H. B. M. Commissioner, &c. &c. &c.
Madrid.

(Signed) **D. McDOUGALL,**
Quarter-Master-General.

No. 3.

J. Backhouse, Esq., to Colonel McDougall.

Sir,

Foreign Office, September 6, 1837.

I AM directed by Viscount Palmerston to acknowledge the receipt of your letter of the 26th ultimo, in behalf of the claims of the officers and men of the late British Auxiliary Legion upon the Spanish Government.

I am further directed to state to you, that Her Majesty's Minister at Madrid has been instructed to make representations on this subject to the Spanish Government, and that Lord Palmerston will not fail to continue to use every exertion to obtain from the Government of Spain a settlement of the just claims of the officers and men of the Legion, but that his Lordship can by no means admit that Her Majesty's Government is under an obligation, either expressed or implied, to advance money on behalf of the Spanish Government for this service.

I am, &c.

Colonel McDougall,
&c. &c. &c.

(Signed) J. BACKHOUSE.

No. 4.

Colonel McDougall to John Backhouse, Esq.—(Received October 30.)

(Extract.)

Senior United Service Club, October 28, 1837.

COLONEL MC DOUGALL presents his compliments to Mr. Backhouse, and in forwarding the inclosed communications, relative to the Memorials addressed to Lord Palmerston by the officers at St. Sebastian, and regarding the immediate removal of the destitute officers and men of the Old Legion, from that place to England, he begs to express his anxious hope that he may be afforded the gratification of hearing, that a measure at relief for the suffering officers and men of the Old Legion generally, will be proposed on the Meeting of Parliament, by Her Majesty's Ministers.

The calculation made by the Commissariat at St. Sebastian, of the sum necessary to liquidate the claims of all the officers and men of the late Legion, for pay and gratuities up to the 10th of June, 1837, amounts to £220,000; but this Colonel McDougall considers to be too high an estimate.

In the event of the advance of a loan to the Spanish Government for the purpose mentioned above, Colonel McDougall would beg strongly to recommend that its appropriation should be rigidly superintended and controlled by a Board of competent officers belonging to Her Majesty's Service.

No. 5.

Colonel McDougall to John Backhouse, Esq.—(Received October 30.)

(Extract.)

Senior United Service Club, October 28, 1837.

WITH reference to the conversation I had the honour to have with you this day, relative to the letter that was addressed to me by Colonel Jacks, and the officers of the late British Auxiliary Legion of Spain, who still remain at St. Sebastian, forwarding to me copies of the two Memorials mentioned in the margin,* that had been addressed by them to Lord Palmerston, with a request that I might communicate with his Lordship on the subject, I beg leave to state, that by private letters received by me, I lament to find that the state of extreme destitution in which so many officers and men of the Old Legion, are represented to be, is very far from being over-coloured in the memorials alluded to, and that it therefore becomes important for the national honour and credit, that means should be immediately adopted towards enabling the officers and men in question to return to their own country, and that they may be thereby removed from a state of wretched destitution, and consequent serious temptation of morally erring in a foreign land, from which might result consequences most discreditable to the respectability of the British character.

* Memorial from officers of old Legion now at St. Sebastian.
Memorial from Colonel Jacks, and officers of 2nd Lancers.

No. 6.

John Backhouse, Esq., to Colonel McDougall.

Sir,

Foreign Office, November 2, 1837.

I AM directed by Viscount Palmerston to acknowledge the receipt of your letter of the 28th ultimo, relating to the claims of the officers and men of the late British Auxiliary Legion now at St. Sebastian; and I am to acquaint you that upon the receipt of the memorials transmitted from St. Sebastian by Colonel Jacks, which are referred to in your letter, copies of those documents were forwarded to Her Majesty's Minister at Madrid, with instructions to press upon the Spanish Government in the most urgent manner the necessity of satisfying forthwith the just claims of the officers and men of the late Legion; and I am moreover to acquaint you that further instructions will now be given to Sir George Villiers upon the subject of those claims.

I am, &c.

Colonel McDougall.

(Signed) J. BACKHOUSE.

&c. &c. &c.

No. 7.

Colonel McDougall to Viscount Palmerston.—(Received November 27.)

(Extract.)

Senior United Service Club, November 27, 1837.

I HAVE the honour to submit for your Lordship's consideration the inclosed extract from a letter that has been addressed to me by Colonel Jacks, under date of 12th instant, on the part of the officers of the old Legion, who are now at San Sebastian, transmitting the proposals that have been made by the house of Messrs. O'Shea and Co., of Madrid* relative to their undertaking the recovery of the debt due by the Spanish Government, together with the reply of the officers to the proposition made by that house.

Your Lordship will observe from Colonel Jacks' letter that the officers at San Sebastian are fully sensible of your Lordship's kind feelings towards them.

After an attentive perusal of the accompanying documents, I fear there is but a slight prospect of any immediate relief being likely to result from the proposals of Messrs. O'Shea and Co., and I therefore venture to express an anxious hope that Her Majesty's Government may be pleased to obtain the sanction of Parliament to guarantee a loan to be raised by Spain for the specific purpose of liquidating the claims of the old Legion, under the superintendence and controul of officers appointed by the British Government.

If a resolution passed the House of Commons to such an effect as the above, I would hope that there would be no difficulty in immediately forwarding to San Sebastian, the £12,000 named in Colonel Jacks' letter, as being indispensibly requisite for the immediate necessities of the officers and men now there.

I am still more sanguine in the hope of the guarantee to a loan being carried in Parliament, when I recollect that the House of Commons, by its majority against the motion brought forward by Sir Henry Hardinge, distinctly sanctioned and approved of the employment of the Legion in Spain.

Inclosure in No. 7.

(Extract.)

San Sebastian, November 16, 1837.

I BEG to inclose, for your information, copies of the correspondence that has taken place between myself, as Chairman of the Committee of Officers of the Old Legion in this place, and the house of Messrs. O'Shea and Co. of Madrid.

* See Inclosure 2 in No. 10.

You will observe that the instructions given by Lord Palmerston to Sir George Villiers have hitherto only led to a vague offer on the part of Messrs. O'Shea, to be agents to recover, *as soon as possible*, from the Spanish Government, the amount of our claims, and that to obtain this *future and possible* benefit we are expected to pay a *certain* commission of five per cent. and a further uncertain commission of five or six per cent. besides an unnamed discount for any small advances the house of O'Shea might be pleased to make.

You will see the proposals we have made in return, and I am sure that the officers here will not agree to be mulcted of any greater portion of their hard earned pay than five per cent.

We rely eventually on an application to the British House of Commons, but I trust that this disagreeable alternative will be prevented, as we all look on Lord Palmerston as our friend and protector.

A sum of £8,000 would suffice to pay all the Officers of the Old Legion now here, three months' pay, and to place the officers of the 2d Lancers, and some other officers, (who are similarly situated, from their having been, like the 2d Lancers, absent from head-quarters) on a footing, with respect to payment, with the other regiments of the Legion.

A further sum of £4,000 would be required for the payment of the men of the 2d Lancers, &c. on their arrival on their own shore.

I do not think that the men will embark, except by force, unless they are paid up here, or can be satisfied by their own officers that they shall be so before quitting the vessels in which they may embark.

As to the officers in St. Sebastian, it is utterly impossible that they can leave this place without three months' pay being advanced *here*, as they are nearly all in debt to the inhabitants, and many of them to their native servants (for wages) who were hired in consequence of General Evans's order; but the sum that was promised to be paid by the Government, under that order, has only been in very few cases received.

Many of the inhabitants who are the creditors of the unfortunate officers would, it is feared, take legal measures to prevent them from leaving until their debts were paid. One case alone of this kind would be a galling thing to us as English Gentlemen, and would reflect disgrace on our country.

I do earnestly hope that Government will spare us so great a mortification, and that they will be pleased promptly to extend that relief to the officers and men here, that their unfortunate and cruelly distressed position so imperiously demands.

I have the honour to be, &c.

(Signed) W. N. JACKS,

Colonel, late 2d Lancers, B. A. Legion.

Brigadier-General McDougall.

&c. &c. &c.

No. 8.

Colonel McDougall to Viscount Palmerston.—(Received December 8.)

Senior United Service Club,

My Lord,

December 7, 1837.

I HAVE the honour to state to your Lordship that a letter has reached me from General Jochmus, in which he expresses an anxious hope that some immediate preparations may be made for the reception of the officers and men of the Second Lancers of the old Legion, for whose conveyance to Cork from St. Sebastian, Lord John Hay had given the *Columbia* steamer, with a view to remove them from the state of wretched destitution in which they were placed in Spain.

I have already had the honour of representing to your Lordship how much more unjustly the officers and men of the Second Lancers have been treated by

the Spanish Government than the other regiments of the old Legion, and I beg leave to remark that, in the event of some measures not being adopted without delay, for affording assistance to them on their landing at Cork, I greatly fear that Lord John Hay's kindness in sending them from their sufferings in Spain, will only tend to expose them to equal misery in their own country.

I have the honour to be, &c.

Viscount Palmerston, G.C.B.

(Signed)

D. McDOUGALL.

&c. &c. &c.

No. 9.

John Backhouse, Esq., to Colonel McDougall.

(Extract.)

Foreign Office, December 12, 1837.

I AM directed by Viscount Palmerston to acknowledge the receipt of your letter of the 7th instant, respecting a wish which has been expressed to you by General Jochmus, that some immediate preparations may be made for the reception of the officers and men of the Second Lancers of the late British Auxiliary Legion, for whose conveyance to Cork from St. Sebastian, Lord John Hay had appropriated the *Columbia* steamer; and I am to observe to you that it does not appear from your communication what sort of preparations are alluded to by General Jochmus.

No. 10.

Colonel McDougall to Viscount Palmerston.

(Extract.)

Senior United Service Club, January 16, 1838.

THE accompanying letter which has been addressed to me by Lieutenant-Colonel Humphrey of the late British Auxiliary Legion of Spain, renders it an imperative duty on my part, as having been second in command of that force, to have the honour to submit to your Lordship the inclosed representation (some portion of which has been already brought under your Lordship's consideration,) relative to the just claims of the officers and men of that late corps, many of whom are now in a state of distressing destitution and misery.

Should Her Majesty's Government decline to accede to the request contained in the inclosed representation, I venture to express a hope, in the event of its being brought under the consideration of the Legislature through any other channel, distinctly as a measure of humanity and justice, and far from a question of a party character, that the Queen's Ministers may be pleased, at least, not to oppose it.

From the kind feeling your Lordship evinced towards the Legion, it would, I am assured, be more gratifying to the late members of it, that the question should be brought forward by your Lordship, than in any other manner; but under the knowledge I possess of the appalling destitution to which so many of the officers and men are now reduced, I feel it would be an unpardonable dereliction of duty on my part, did I delay, in the event of Her Majesty's Government declining to bring forward the proposed measures of relief, to use my best exertions towards expediting its consideration by the Imperial Parliament.

The gross and insulting indignity that was lately offered to all the officers of the late British Auxiliary Legion of Spain, by the Royal Order issued at Madrid, in which the Spanish General commanding on the Cantabrian coast was *strictly enjoined to use force*, if necessary, in compelling the officers of the old Legion who had remained at St. Sebastian, waiting for the fulfilment of the promises that had been made to them by Her Majesty's Commissioner, Colonel Wylde, to embark, cannot but lead to the destruction of all the hope I entertained relative to an early settlement by the Spanish Government, of the just claims of the officers and men who have been so cruelly and unjustly dealt by.

Inclosure 1 in No. 10.

Senior United Service Club,

London, January 16, 1838.

THE Undersigned has the honor most respectfully to request the attention of Viscount Palmerston, to the justice and necessity of Her Majesty's Government adopting the most effectual measures towards enforcing the immediate liquidation, on the part of the Spanish Government, of the just claims which have been so long and so cruelly withheld from the officers and men of the late British Auxiliary Legion of Spain; a delay which has led to a degree of unmerited misery and wretchedness never before experienced by subjects of Great Britain, who had acted under the sanction of their own Government.

In the event of the disinclination or inability of the Government of Spain immediately to liquidate the debt due by it to the Legion, the Undersigned begs respectfully to state his conviction of their being entitled to look to Her Majesty's Government for the advance of the sum that may be necessary to settle their just claims.

The grounds on which the opinion of the Undersigned is founded, relative to the moral and political obligation imposed on the Queen's Government to extend the fullest protection to the officers and men, are as follow:—

1. The publication of the Order in Council, of 1st June, 1835, in which document His late Majesty distinctly encouraged his subjects to enter the service of the Queen of Spain; in consequence of which many of the superior officers were of opinion that in serving Her Catholic Majesty they were rendering the most acceptable service to His late Majesty, as well as to His Majesty's Government, and were thereby assured of the effectual support and protection of both; and the Undersigned is aware, that unless they had entertained such a conviction, many of them never would have lent their aid to the cause in which they were engaged.

2. His late Majesty's Commissioner, Colonel Wylde, having accompanied the Quarter-Master-General of the late British Auxiliary Legion, when sent by the Lieutenant-General in command of that force, to Madrid, in March 1836, for the purpose of remonstrating with the Spanish ministers relative to the privations and frightful sufferings of the Legion, resulting from the lamentable breach of contract on the part of the Spanish Government (as detailed in a memorandum marked No. 1, which was transmitted for Viscount Palmerston's information on the 26th August, 1837,) and Colonel Wylde having become a party, with the Quarter-Master-General, in all the negotiations with the Prime Minister of Spain, at the above-named period.

3. His late Majesty's Representative at the Court of Madrid, Mr. (now Sir George) Villiers, having taken a part in the conferences that Colonel Wylde and the Quarter-Master-General had with the Spanish Prime Minister, and all the written communications made by these two officers having been transmitted through Sir George Villiers, (as appears by a copy of a letter marked A, which was transmitted to Viscount Palmerston on the 26th August, 1837.)

4. It having been proposed by Colonel Wylde and the Quarter-Master-General (as appears in the document marked No. 2, which was transmitted to Viscount Palmerston on the 26th August, 1837,) and agreed to by the Spanish Government, that the Legion should for the future be paid from the 1st March, 1836, in advance, in strict accordance with the practice of the British army, and that all arrears due at that period should be fully liquidated before the 1st June, 1836.

5. The Prime Minister of Spain having, in March, 1836, addressed a letter (a copy of which, marked No. 5, was transmitted to Viscount Palmerston on the 26th August, 1837) to His late Majesty's Commissioner, Colonel Wylde, and to the Quarter-Master-General, in which His Excellency expresses his approval of all the conditions proposed by them, and his satisfaction in "their ideas being in perfect harmony with his own," during the whole course of their negotiations.

6. The following official documents having been signed and issued to the several Paymasters of the Legion, by Her Majesty's Commissioner,

Colonel Wylde, and the Spanish Commissioner, Brigadier-General Tena, viz. :*

“ We, the undersigned Commissioners, acting for and on behalf of Her Catholic Majesty, Donna Isabella 2nd, do hereby authorize Captain, and Paymaster — — to estimate and draw pay, according to the British regulations, for each and every officer of the late British Auxiliary Legion, who was borne on the strength of it, on the 10th June, 1837; and to continue to estimate for, and to pay the said officers, wherever they may be, according to their respective ranks, up to the date on which the Spanish Government shall finally arrange the liquidation of their claims, either by negotiable bills of exchange, payable in London, or by cash payments; saving and excepting such officers as have re-entered Her Catholic Majesty’s service in the new Legion. And we further authorize the sum of £9 sterling to be credited to such officers as may not be able to procure a passage from St. Sebastian to England.

“ In witness whereof we have affixed our signatures.”

(Signed) JUAN TENA.
W. WYLDE.

July, 1837.

7. Colonel Wylde, when addressing the assembled officers of the old Legion at St. Sebastian, in July, 1837, having stated that “ he stood before them in a double capacity, both as a British Commissioner, and a Commissioner of Her Catholic Majesty,” as appears by a copy of a statement by Lieutenant-Colonel Humphrey, inserted in the margin.†

8. The first Lord of the Treasury having, in reply to the Marquis of Londonderry, on the 15th June, 1837, stated in the House of Lords as follows:—“ Colonel Wylde had received no specific instructions from His Majesty’s Government to assist in the re-construction of the Legion, but that officer, as attached to the Spanish army on the frontier, had endeavoured to forward the completion of that object, and His Majesty’s Government had approved of his conduct.”

As it distinctly appears under the 2nd, 3rd, 4th, and 5th heads of the preceding remarks, that not only did Colonel Wylde, His late Majesty’s Commissioner, act in conjunction with the Quarter-Master-General of the Legion in all the communications made to the Government at Madrid, but that their written communications were sent through the British Minister at that Court; there cannot, therefore, the Undersigned respectfully begs leave to state, be a doubt that the solemn and official participation of Sir George Villiers and Colonel Wylde, in the negotiations alluded to at Madrid, in 1836, morally and politically bound the Government, of which they were the representatives, to enforce the faithful fulfilment of all the stipulations entered into at the above-named period; and the Undersigned requests to be permitted to observe that, according to the report of the debate on the Spanish question, a similar opinion was expressed by the Right Honourable and Gallant Member who brought forward that question: and he further knows that it is in accordance with the sentiments of a great number of members of the Legislature.

Under the 6th and 7th heads, of the preceding remarks, it appears that Her

* Memorandum forwarded by Colonel Jacks, the senior officer of the old Legion, at St. Sebastian, (and Chairman of a meeting of officers held there in November, 1837) relative to the part taken by Her Majesty’s Commissioner, Colonel Wylde.—

“ Colonel Wylde, when addressing the assembled officers of the Legion, said that he stood before them in a double capacity, both as a British Commissioner and a Commissioner of Her Catholic Majesty.

“ The discontent and clamour then existing among the officers, was only allayed by the giving of this document, which certainly would have been considered of very little value had it not had the signature of Colonel Wylde to it, in his double capacity as it was not doubted that he was acting under the Instructions of Mr. Villiers, Her Majesty’s minister at Madrid, and also from the British Government at home. In addition to this, several letters from Mr. Villiers to Colonel Wylde were exhibited, by the latter, to many officers then, and now, in St. Sebastian, showing clearly that the Ambassador was superintending the arrangements then making for a settlement, and one of those letters distinctly stated that a gentleman had been actually sent off by the Spanish Government, with the negotiable bills promised by Colonel Wylde.”

† “ I was present at the meeting of officers of the old Legion, at St. Sebastian, at which Brigadier General Fitz-Gerald took the Chair, and Colonel Wylde stated that he stood before us ‘ Not only as a Commissioner of Her Catholic Majesty, but, also, as a British Commissioner; and after declaring that every officer was entitled to his pay, rations, and billet, until settled with, he added, ‘ And if the Spanish Government should deceive me in this instance, I will break off all connection with them for ever.’ ”

(Signed) J. H. HUMPHREY.

Majesty's Commissioner, Colonel Wylde, officially entered into a solemn engagement with the officers and men of the Legion "in his double capacity, both as a British Commissioner, and as a Commissioner of Her Catholic Majesty."

It appears under the 8th head of the preceding remarks, that the first minister of the Crown stated in the House of Peers, "That His Majesty's Government had approved of Colonel Wylde's conduct."

The first Lord of the Treasury having, as above stated, officially avowed the approval of Colonel Wylde's conduct by the Government of which his Lordship is the head, the Undersigned begs leave to express his sanguine expectations that, if the Government of Spain does not possess the means of liquidating, without further delay, the just claims of the Legion, Her Majesty's Ministers will be pleased to obtain the sanction of the Legislature to guarantee a loan to be raised by the Spanish Government, (or adopt such other means as they may consider advisable) for the specific purpose of doing justice to the Legion, under the superintendence and controul of British Commissioners; and by so doing, ensure the comparative prosperity and happiness of thousands, who are now most unjustly and cruelly plunged into a state of wretched and degraded destitution.

The Undersigned feels it to be his imperative duty respectfully to state to Viscount Palmerston the fact, that if the means of transport had been ready, as they should have been, for the conveyance of the disbanded men of the Legion from St. Sebastian, on the 10th June, 1837, much of their present misery would have been prevented, as the soldiers would then have landed in England with the whole amount of any balance that had been paid to them, in their possession, instead of its having been spent in riot and drunkenness in Spain; from which resulted, to, alas! too many of them, the necessity, arising from destitution in a foreign country, of entering into the New Legion, where they met with nothing but neglect and misery, or death.

The Undersigned can never cease to lament that Her Majesty's Military Commissioner in the Peninsula should have directly encouraged the officers and men of the Old Legion to reengage in the service of Spain before the Government of that country had kept faith with the Old Legion, by the liquidation of all their just claims, and until the pecuniary means of keeping the new auxiliary force in a state of efficiency during the whole period of the year for which it was proposed to engage them, had been lodged in a secure place of deposit, or distinctly guaranteed by the Government of Great Britain, as was respectfully suggested to Viscount Palmerston by the Undersigned, as a "*sine qua non*," sometime preceding the termination of the service of the Old Legion, in consequence of his experience of the disastrous calamities that had resulted from the non-fulfilment of the solemn promises and engagements of Her Catholic Majesty's Government.

All which is most respectfully submitted to the consideration of Viscount Palmerston, by his Lordship's most obedient humble servant.

Viscount Palmerston, G.C.B.

(Signed) D. McDOUGALL.

&c. &c. &c.

Inclosure 2 in No. 10.

Messrs. O'Shea and Co. to Deputy-Commissary-General Black.

Sir,

Madrid November 4, 1837.

WE have had the pleasure of receiving your esteemed favor of the 22nd ultimo, in consequence of Sir George Villiers having urged Mr. O'Shea to use his best efforts with the public offices here to endeavour to bring about a settlement of the affairs of the Old Legion, and particularly to procure some succour and a mode of conveyance to England for the members of that corps now at San Sebastian, he adopted the most active and best means of meeting Sir George Villiers' wishes, and being useful to the Legion. On the 26th September, we passed an official letter to the Intendente General of the army, the reply to which we inclose a copy of, by which you will observe that he was disposed to meet us fairly on the subject, and put the affair in a train of settlement; as a proof of this, an order went to San Sebastian to send up here a nominal statement of the members of the Legion there, and how much was due to each: it appears

that the statements in question have been forwarded him by the Spanish Commissary translated into Spanish, but it also appears that they are unintelligible to the gentlemen of the Comptroller-General's Office, who find the statements rather confused, and who suppose there may be some error in the translation and heading of them, but which we have no doubt will be easily explained by a letter from you. There are three documents, one amounting to £24,000 and odd pounds, and another to £.300 and odd; the third is a note of rations which appear to be now supplied to the old Legion at San Sebastian, they cannot understand why the two first statements came separately, but suppose that some of the parties interested are in England and some in San Sebastian, yet they find names in each of the lists also inscribed in that for rations. It becomes necessary therefore, if we are to undertake the agency, that we should be placed in a position to give full explanations, for which purpose we should have forwarded copies of the statements in question, as also one of the original contract with the Legion, as it has been observed in the Comptroller's Office, that the dissolved Legion are not intitled to pay after the 10th of June. To this and other objections we are unable to make any reply as we are totally unacquainted with the original stipulations.

In answer to the questions contained in your letter, we beg to say :

1st. With respect to the time of liquidation, we should say that if the accounts are forwarded in due form and are not very voluminous, that with the good understanding, we have with the offices here, we think it may be done in about a month after the receipt.

2d. We have every reason to suppose that we shall be able to procure the payment from the Government by instalments and at fixed periods.

3rd. The documents to be preferred are acceptances of the Government, as there can be no question of their validity, whereas any other documents may be disputed, more particularly, if not certified by some properly recognized Spanish authority, and it would be necessary for those who choose to avail of our services to send us a power of attorney.

4th. The charge for agency would be £.5 per cent. our charge to the new Legion is only two per cent. but in that case we only act as bankers, who receive and pay money, whereas in the case of the old Legion, we should have considerable trouble, and a great deal of time would be taken up in the necessary negotiations and arrangements with the Government and public offices. The parties interested, should be prepared for further incidental expenses, which may be necessary, and which might amount from 3 to 5 per cent. more according to circumstances; we shall feel happy to recover any amount of pay due to the privates of the old Legion without any charge of commission, but they should be found subject to the incidental expenses if found necessary to incur.

5th. We should have no objection to make some moderate advances on account of the liquidated balance due by the Government upon the conditions which may hereafter be agreed on, and as soon as the mode of reimbursing was fixed under the supposition that the debt due to the Legion amounts to £.200,000, we think we could propose to the Government a financial operation, by which they may be able to pay that sum, by instalments, within one year. We fully anticipate in your feelings, that rivalry and preference should be avoided. It now happens that within a few days, we shall receive the balance due to Captain Liot and another officer of the *Reyna Gobernadora* steamer, whereas we know that other claims of the same nature are not attended to in consequence of being in the hands of other people who do not take sufficient trouble about them.

We should highly approve of what you mention in your letter about Brigadier-General Tena either drawing bills or countersigning your certificates; as we cannot too strongly impress upon you the advantage of his, or some other authorized authority, doing so.

We now beg to add that the Minister of Finance, the Intendente and Comptroller-General and Sir George Villiers, have expressed their anxious wish that we shall interfere in the final settlement, which, added to our desire of being useful to our countrymen, are the motives which induce us to undertake the agency.

In this case, as in all others we shall feel happy to render our services useful to you, and;

We have the honor to be, &c.

(Signed)

HENRY O'SHEA & Co.

P.S.—Although we have spoken of 5 or 6 per cent. possible additional expense, still it is by no means certain that it would be incurred, and if so only to obtain equivalent advantages.

Charles Black, Esq.

Deputy-Commissary-General, San Sebastian.

Inclosure 3 in No. 10.

Colonel Jacks to Messrs. O'Shea and Co.

Gentlemen, *San Sebastian, November 15, 1837.*

YOUR letter of the 4th instant, addressed to Deputy-Commissary-General Black, containing proposals for an arrangement of the claims of the officers of the late British Auxiliary Legion, on Her Most Catholic Majesty's Government, having been submitted to the consideration of the Committee acting on behalf of the officers present in this town, and subsequently to a public meeting of the officers themselves, I have been instructed by the latter to reply to your proposals, and state, that those proposals are not deemed sufficiently distinct and definite to warrant them in entering upon a negotiation based thereupon.

The officers, however, being desirous of obtaining a speedy adjustment of their claims, and at the same time feeling anxious to meet the wishes and exigencies of the Spanish Government, make in return the following definite propositions, viz. :

That Messrs. O'Shea and Co. having made their own arrangements with the Spanish Government, do enter into a written engagement with the officers of the late British Auxiliary Legion individually, or collectively, as circumstances may arise, to the following effect.

1st. That on receiving a power of attorney from each officer, together with a certificate signed by the chief officer of the Commissariat, and by Brigadier-General Tena, or such other Spanish authority as may be appointed by the Spanish Government, showing the exact amount actually due, Messrs. O'Shea shall pay one fourth part of the amount due to them immediately in cash to the officers now at San Sebastian according to the then current rate of exchange, and to those officers who are in England, the same proportion in good bills at a short date payable in London.

2nd. That Messrs. O'Shea and Co. shall deliver to each officer or his assigns, good bills drawn by the Spanish Treasury on some accredited agent in London, and indorsed by the house of O'Shea and Co. itself for the remainder of the claims, in three equal proportions, at four, eight, and twelve months after date.

3rd. That Messrs. O'Shea and Co. be allowed to deduct from the total amount of each officer's claim, five per cent. as a remunerating commission for their trouble and agency.

Previously to any final arrangement of the claims of the officers being made with the Spanish Government, the following disputed points must be clearly settled.

1st. The scale upon which the gratuity is to be calculated—to aid in this I send a paper (No. 1.) containing a copy of the conditions of service, with remarks thereon.

2d. The officers demand from the Spanish Government, as a matter of right, and not of favor, a strict fulfilment of the engagement entered into with them by Brigadier-General Tena, Her Most Catholic Majesty's Commissioner, and Colonel Wylde, Her Britannic Majesty's Commissioner, a copy of which is sent herewith with remarks. (No. 2.)

3rd. That proper conveyance to England be afforded to the officers and men of the late British Auxiliary Legion, and also for the horses of such officers as by the British Regulations be entitled thereunto.

4th. That the authority to be given to Brigadier-General Tena or such other person as may be appointed for that purpose, be definite and final, and not subject to reversal by the Spanish Government.

Besides the above points, there is one connected with several officers of the Commissariat, who were placed by General Evans on the retired list by a

general order, dated 26th September, 1836, of which I inclose a copy, (No. 3.) This general order has been attempted to be set aside by a subsequent royal order, placing those officers on half pay only, from the date of their services being dispensed with; but we contend that General Evans had full authority to issue this order under the conditions of service, and that it is not competent to the Spanish Government to reverse it, as besides its manifest injustice, it is preposterous to expect that British gentlemen would remain in this country for the paltry consideration of 3s. 9d. per day. We claim that these officers be placed on the footing of all the rest, and that they shall be entitled to estimate for, and to receive their full pay until their claims are settled, they having been detained from their homes on that express stipulation.

For your further information and guidance, I send a copy of a letter received by me a few days since from Lord Palmerston's office, (No. 4.)* and also extracts from a letter received by me from Brigadier-General Mc Dougall, late of the Legion, (No. 5.†) and I have to express to you our confidence, that Her Britannic Majesty's Government will see that full justice be done to us, and that Sir George Villiers will be further instructed by Viscount Palmerston, backed by the British Parliament, to insist, "on the necessity of satisfying forthwith the just claims of the officers and men of the late Legion."

I have the honor to be, &c.

(Signed) W. H. JACKS.

Colonel late 2nd Lancers,
Chairman.

Messrs. O'Shea and Co.

(No. 1.)—Inclosure 4 in No. 10.

Conditions of Service.

Fourth Article.—At the conclusion of the service, each officer to receive a compensation equal to *the amount of pay of one half the time* of their respective service, without prejudice to any further recompense which the Government may confer for special services, on the recommendation of the commanding officer of the forces.

Compensation or Gratuity.

Remarks.—This was given in lieu of the half-pay of the British service, which is always granted on the rank with which the officer retires.

The wording of the above article is not quite clear, but we read it to mean *the amount of pay* (of the last rank held) for half the time of their respective service.

The engagement of Commodore Henry for his officers with the Spanish Government, distinctly states the compensation was to be calculated at the rate of the rank held by the officer at the time of his retiring with permission or at the close of the service.

This was acted upon by the Portuguese Government on settling the claims of the British officers, and General Evans has recommended the adoption of this principle to the Spanish Government, and Sir George Villiers, as we understand, has promised to urge this upon the Spanish Government.

(No. 2.)—Inclosure 5 in No. 10.

General Tena and Colonel Wylde's Engagement to pay the Men their full pay, till finally settled,—with Remarks.

WE, the undersigned Commissioners, acting for and on behalf of Her Catholic Majesty Isabella II., do hereby authorise Captain and Paymaster Drummond to estimate and draw pay, according to the British regulations, for each and every officer of the late British Auxiliary Legion, who was borne on the strength of the sixth regiment on the 10th day of June, 1837, and to continue to estimate for and pay the said officers (wherever they may be) according to their respective ranks in the aforesaid regiment, up to the date on

* See Paper No.

† See Paper No.

which the Spanish Government shall finally arrange the liquidation of their claims, either by negotiable bills of exchange, payable in London, or cash payments (saving and excepting such officers as have re-entered Her Most Catholic Majesty's service in the New Legion) and we further authorise the sum of nine pounds sterling to be credited to such officers who may not be able to procure a free passage from San Sebastian to England,

In witness whereof we affix our signatures.

(Signed)

JUAN TENA.

San Sebastian, July, 1837.

W. WYLDE, Colonel.

Remarks.

Colonel Wylde, when addressing the assembled officers of the Legion, said that, "*he stood before them in a double capacity, both as a British Commissioner and a Commissioner of Her Catholic Majesty.*"

The discontent and clamour then existing amongst the officers, was only allayed by the giving of this document, which certainly would have been considered of very little value, had it not had the signature of Colonel Wylde to it in his double capacity, as it was not doubted but that he was acting under the instructions of Mr. Villiers, Her Majesty's Minister at Madrid, and also from the British Government at home. In addition to this, several letters from Mr. Villiers to Colonel Wylde, were exhibited by the latter to many of the officers, then and now in San Sebastian, showing clearly that the Ambassador was superintending the then arrangements for a settlement, and one of those letters distinctly stated that a gentleman had been actually sent off by the Spanish Government, with the negotiable bills promised by Colonel Wylde.

The attempt of the Spanish Government to set aside this undertaking, as stated in the Royal Order, on the grounds,—

1st. That it was not to their interest to acknowledge it.

2nd. That it was not in the conditions of service, may be thus answered.

To the first, we say that we admit that it is not to the interest of the Spanish Government to agree to it, and here we leave it for the present.

To the second, we say that it is true that it is not in the conditions of service, but there is in those conditions a much better stipulation for the officers, viz., that they shall be paid according to the regulation of the British service, one of the best provisions of which is, that the officers shall always be paid "one month's pay in advance." We are now upwards of fifteen months in arrear of pay, "*hinc illæ lachrymæ.*"

(No. 3.)—Inclosure 6 in No. 10.

GENERAL ORDER.

San Sebastian, Head-Quarters, September 26, 1836.

IN conformity with the proposition of the Chief of the Hacienda Militar, Don Mateo Llanos, and in virtue of the Royal Order authorizing Senor Llanos to this effect, the following arrangements in the Commissariat Department will take effect, viz.: the Commissary of War, Don Jose Erismendi will continue as before, charged with the Victualling Hospitals and Transport Departments.

In the place of Deputy-Assistant-Commissary General Faxardo, the Commissary Don J. Reves is appointed by Royal Order to this Legion, and will be charged with the duty of examining and sealing the vales to whom Commanding Officers are directed to transmit weekly returns of their force.

Don Juan Jose Fragos will take in charge the General and Medical Staff, and the Commissariat Department, having for his assistant Don Carlos Goodyer. To the 1st Brigade is appointed—Don Mariano Vallego—Assistant, Don Jose Arrigos.

To the 2nd Brigade is appointed—Mr. Hackett—Assistant, Don Lorenzo Miramon.

Light Brigade is appointed—Don Francisco Morena—Assistant, S. Manuel Lizarga.

Artillery and Cavalry—Don Mateo Gagarza—Assistant Anto. Barrinecha.

In virtue of this arrangement, the administrative functions of various individuals who previously belonged to the Commissariat Department of the Legion, will necessarily cease. The following is a nominal list of those who will come under this order.

Their functions will therefore forthwith cease, but they will be entitled to the pay and rations corresponding to their relative ranks until such time as their arrears are settled.

In order to avoid abuses in the distribution of vales, and not to delay the monthly settlement, notice is to be given that the bones of one month will not be valid in the month following.

A nominal list of the Commissariat Officers whose functions cease from this date :

(Signed) Deputy-Assistant-Commissary-General LUKIN.
FAXARDO.

Commissariat Clerks.

JOAQUIM MANCHA.
COLIN C. PENTLAND.
JOSEPH COLDICOTT.
WM. ATKINSON.
J. F. HIND.
CHAS. SERVICE.
M. G. DAWSON.
R. M. RENWICK.
F. ORIEL.
H. WIGG.
J. L. LLANO.

Storekeepers.

FAURNIOR.
McCAULY.
MILLER.
PENA.
GRANT.
STEPHENS.
EDWARDS.
LAIDLAY.

I certify the above to be a true copy of the General Orders, with the exception of the last eight names, who are denominated Commissary Clerks, are not Storekeepers.

General Order Book, 26th September, 1836.

Signed by J. G. LE MARCHANT, Adjutant-General.

JAS. ELLIS, Lieutenant-Colonel, in charge of Adjutant-General's
Department,

San Sebastian, 14th November, 1837.

No. 11.

John Backhouse, Esq., to Colonel McDougall.

Sir,

Foreign Office, February 5, 1838.

I AM directed by Viscount Palmerston, to acknowledge the receipt of your letter of the 16th ultimo, and its Inclosures, relative to the claims of the late British Auxiliary Legion upon the Government of Spain; and I am to acquaint you, that his Lordship is in communication with the Spanish Government upon the subject of these claims. I am, &c.

Colonel McDougall,

(Signed) J. BACKHOUSE.

&c. &c. &c.

No. 12.

Colonel McDougall to Viscount Palmerston.

(Extract.)

Senior United Service Club, March 15, 1838.

WITH regard to the officers, it is my duty to have the honour to state to your Lordship that many of them are now subjected to the most unmerited and *cruel* pecuniary distress, in consequence of the Spanish Government unjustly withholding the large arrears that are due to them.

Never, My Lord, I venture to assert, has there been a more lamentable breach of faith than that which was exhibited by the Government of Spain towards the British subjects who were induced to enter the service of Her Catholic Majesty, under the authority and encouragement of His late Majesty's order in council, of June 6, 1835: from which breach of faith resulted the frightful sickness, mortality, and most unnecessary sufferings of the Legion in Vitoria, in the winter of 1835—6: as was represented to the Government of Madrid in the month of March, in the latter year, in a memorandum drawn out by me; in which document conditions were demanded, without the faithful fulfilment of which I stated, "That all the talents of a General, and all the physical "qualities of the finest men would be paralyzed, and of no avail in active field "operations."

Although the Government of Madrid fully agreed to the conditions demanded, and the Prime Minister made the most solemn promises that all the stipulations would be strictly observed, yet faith was again lamentably broken; from which resulted, as was predicted by me to your Lordship, as well as to the Government of Madrid, the mutiny and the disasters that followed from it; and all officers of experience well know that similar consequences would probably have ensued, under similar circumstances, in any other military force.

The promise stated by your Lordship, in the House of Commons, on the 13th inst., to have been made by the Spanish Government, of immediately sending funds to this country, for the payment of the officers and men is, it is not unreasonable to infer, from their treatment of both Legions, as well as from their repeated nonfulfilment of similar solemn engagements, as great a mockery on the part of the Government of Madrid, as all the former delusive promises that have been made by it; and I am fully assured that no immediate and effectual relief can be looked for by the suffering officers and men with any degree of hope, except from their own country.

It is due from me, to the officers and men of the Legion, to state that, during the *whole period* I remained with them, their excellent conduct, and their *uniform submissive discipline*, under all their unmerited and unnecessary privations and sufferings which proceeded from the neglect of the Spanish Government, were such as to ensure my grateful recollection. Most fervently, therefore, do I anxiously hope that the destitution and misery to which the Spanish Government has reduced nearly twenty thousand British subjects; including the relatives of the officers and men who are dependent on them, may soon be removed by the protective generosity, justice, and humanity of their country's Legislature until Spain be in possession of the financial means to liquidate the amount of the just claims of the Legion.

No. 13.

Colonel McDougall to Viscount Palmerston.—(Received April 3.)

My Lord,

Senior United Service Club, March 31, 1838.

I HAVE the honour to state to your Lordship, that the officer who was at the head of the Adjutant-General's Department of the Legion, lately commanded by Brigadier-General O'Connell has given such a detail of the glaring injustice exhibited by the Spanish Government, in their recent treatment of the officers and men of that corps, at St. Sebastian, as to produce a perfect conviction on my mind of the utter hopelessness of either the Old or New Legions obtaining a

speedy settlement of their claims, by any other means than through the Legislature of their own country.

Satisfied, as I am, with the justice of the above conclusion, I beg leave to state, that it is considered desirable that the several documents I have had the honour to submit to your Lordship, on the subject of the claims and usage of the Legion, should be published, with a view to enable the members of the Legislature to form a just estimate how far the claims of that body are deserving of the favourable consideration of Parliament.

Inclosed I have the honour to transmit to your Lordship, a copy of the introductory observations with which I purpose to preface the publication alluded to.

It is proper that I should have the honour to state to your Lordship, that the opinions I have expressed regarding the treatment of the Government of Spain to the Legion, are in accordance with the sentiments entertained by the general officers who served under me in that force during the period that I was second in command of it;—with the exception of one, who is now in India, and whose sentiments I am consequently unable to ascertain.

I have the honour to be, &c.

Viscount Palmerston, G.C.B.
&c. &c. &c.

(Signed) D. Mc DOUGALL.

Inclosure in No. 13.

Introductory Observations.

THE object of the publication of the following documents, is for the purpose of enabling a fair judgment to be formed, relative to the claims that the officers and men of the late British Auxiliary Legion of Spain have to the sympathy and protection of their own Government. Under a wish that the subject may be considered entirely divested of every thing approaching to a party character, and that it may be judged, on its own merits, as a question of justice and of humanity.

The paper that was submitted to Viscount Palmerston, on the 16th January, 1838, will, it is hoped, distinctly show the moral obligation imposed on the Queen's Government to afford effectual and immediate relief to the officers and men; many of whom are, in consequence of the breach of Spanish faith, now suffering an unmerited degree of misery, "such as was never before experienced by subjects of Great Britain, who had acted under the sanction of their own Government," while if bare justice alone were done to them, by the liquidation of their claims, they would be afforded the means of re-entering civil life in comfort and respectability, in place of being subjected, as they now are, to the most cruel pecuniary difficulties.

From the letter addressed to Viscount Palmerston on the 15th March, 1838, it will appear that no effectual or immediate aid can be expected by the Legion from Spain in the present financial position of its Government, and that it is only to their own country that the officers and men can look for relief with any degree of hope.

The memorandum that was transmitted by the Quartermaster-General of the Legion, to the Government of Madrid, on the 4th March, 1836, will show the unnecessary privations, misery, and frightful mortality to which the Legion was subjected at Vitoria, from the non-fulfilment of the conditions under which they entered the service of Her Catholic Majesty; while the men, at the same time, exhibited the most praiseworthy degree of submissive discipline and good conduct, notwithstanding the cruel sufferings to which they were exposed by the culpable neglect of the Spanish Government.

In the letters that were addressed by the Quartermaster-General to His late Majesty's Military Commissioner in Spain, on the 17th and 18th of March, 1836, and to Viscount Palmerston on the 6th June, 1836, the disastrous consequences are distinctly foretold that surely would (and did) ensue, in the event of the non-fulfilment of the conditions that were agreed on between the Prime Minister of Spain and the two above-mentioned officers.

It is indeed to be lamented that, on the publication of the Order in Council of 10th June, 1835, His late Majesty's Government did not adopt the most effectual measures to insure the regular payment of the British subjects who might be induced by that order to enter the service of Spain.

Not only was the above precaution imperiously demanded by the protective duty that is due by a Government to the subject, as well as from that which was necessary to insure the successful operations of a body that was about to take the field under the sanction of the Order in Council of its Monarch, but likewise on account of the military character and reputation of Great Britain which could not but be affected by the success or misfortune of a British force that was permitted by an act of the Government to serve a Foreign Power; as it is well known that all the physical qualities of the finest soldiers must necessarily be paralyzed, and of no avail in the event of the means of keeping them efficient by regular payment and proper supplies of all kinds not being amply provided.

In all war, but more particularly in that mountainous warfare in which the Legion was likely to be engaged, it is not so much the number as the quality of the troops that is of consequence, and all officers of experience know that numbers without discipline, regular payment and efficient equipment, only add to the difficulties and embarrassments of a general; and they are equally aware that discipline *cannot* be maintained unless justice be done to the soldier.

There are few officers who would not prefer to command before an enemy, a force of a few hundred men thoroughly provided in all respects, to multitudes treated in the manner in which the Legion was by the Government of Spain.

From the conduct of the Legion under all the privation and destitution to which it was exposed, there is little doubt that if justice had been done to it in pay, supplies and transport, its services would have proved of a character so beneficial as to have led to results of the greatest importance in the Spanish struggle.

The gross and insulting indignity that was offered to *all the officers* of the late Legion under the fifth head of the Royal Order issued at Madrid in December, 1837, in which the Spanish General commanding on the Cantabrian coast, was *strictly enjoined to use force if necessary, in compelling the embarkation of the officers of the Old Legion*, who had remained at San Sebastian, waiting for the fulfilment of the promises that were made to them from Madrid, through His late Majesty's Military Commissioners and Her Catholic Majesty's Commissioner, Brigadier-General Tena, cannot but excite the indignation of every officer who had any connection with the Legion, towards the Spanish Ministry that presumptuously dared thus to insult them; while it must, at the same time, lead to the destruction of all hopes that they may have entertained of any feeling of gratitude, or even of respect being felt for them by a Government that has presumed to issue a document so offensive.

The following plan is suggested for the relief of officers and men of the Legions, viz. :—

A Loan to be raised by the Spanish Government, bearing an interest, payable quarterly, to which all the officers and men of the late Legions shall subscribe to the extent of their respective claims, (to the exclusion of monied contractors) and the loan not to exceed the whole amount of the claims due to the individuals who served in the Legion.

The payment of the dividends to be guaranteed by Great Britain.

The adoption of the above suggestions will be likely to be productive of the important benefit to Spain, of raising a loan at *par*, for the liquidation of the Legionary claims, and of the great advantage to the officers and men, of rendering their stock marketable, probably at *par*, in consequence of the guarantee of Great Britain.

If any reliance can be placed on the Government of Spain, it surely should be able to provide the means (without the necessity of having recourse to the Treasury of its guarantee) for regularly paying the dividends on a loan raised for the extinction of a debt that it *should* consider itself imperatively called on to liquidate, by every feeling of justice and gratitude; while, in the present embarrassed state of the finances of Spain, it might experience serious difficulty in now raising the *capital* required to do justice to the claimants.

Spain has the means of giving Great Britain a security sufficiently ample for the regular payment by the former, of the dividends that are proposed to be guaranteed by the latter.

The account that has been lately given by the Deputy-Adjutant-General of the Legion that was under the orders of Brigadier-General O'Connell, relative to the recent unjust treatment of that force at St. Sebastian, by the Government of Madrid, caused the following letter to be addressed to Viscount Palmerston on the 31st of March, 1838.

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No. 14.

Colonel Jacks to Viscount Palmerston.—(Received October 13.)

My Lord,

San Sebastian, September 25, 1837.

AS the senior officer of the late British Auxiliary Legion in the service of Her Most Catholic Majesty, I have the honour of forwarding for your Lordship's immediate and most serious consideration, a memorial unanimously agreed to by the officers of the Legion, at a meeting held on the 20th instant, and trust that your Lordship will honour me with a reply as speedily as possible.

I have the honour to be, &c.

(Signed)

H. H. JACKS,

*Colonel 2nd Lancers, B. A. L.**Viscount Palmerston, G.C.B.*

&c. &c. &c.

Inclosure in No. 14.

To the Right Honourable Lord Palmerston, Her Majesty's Principal Secretary for Foreign Affairs.

THE respectful memorial of the undersigned officers of the late British Auxiliary Legion, in the service of Her Most Catholic Majesty the Queen of Spain.

SHEWETH,

That your Memorialists were induced to enter the late British Auxiliary Legion in the service of Her Catholic Majesty, in consequence of the Order in Council of 10th June, 1835, and of the permission granted by the Commander of the Forces to British officers to retire on half-pay and enter the service of the Queen of Spain, together with the open and avowed assistance rendered to the Legion by His late Majesty's Government in an ample supply of public forms of accounts for its civil departments, and the munitions of war for service in the field, as well as by the co-operation of a British naval force on the coast of Spain.

That your Memorialists consider that the distressing circumstances under which they find themselves placed in consequence of the non-performance by the Spanish Government of the conditions of service, have given them a strong and equitable claim upon your Lordship and Her Majesty's Government for immediate relief.

That shortly previous to the dissolution of the Legion on 10th June last, Her Catholic Majesty, by a Royal Order, instituted a commission, by which General Teña, Don Mateo Llanos, and Colonel Wylde, Her Britannic Majesty's Commissioner, were authorized to form a new Legion and arrange the affairs of the old one.

That the first act of that Commission, was to take upon themselves the control of the military chest, and to issue a General Order, of which the following is a copy:—

“Memorandum.

San Sebastian, June 10, 1837.

“The officers of the British Auxiliary Legion, whose time of service expires this day, will be entitled to billets, pay, and rations until they are settled with, and vessels provided to take them to England.

(Signed)

“W. WYLDE, Colonel.”

That at a public meeting of the officers of the Legion, held in this town on of June, Colonel Wylde stated, that he was authorized by Her Majesty's Minister, the Honourable George Villiers, to pledge himself to them that a portion of the pay due to them should be immediately issued, and that they should receive good and negotiable bills on London for the remainder of their claims; at the same time producing the letters of the Honourable George Villiers to that effect.

That previous to the departure of Colonel Wylde from this town for Madrid, he placed in the hands of each of the paymasters of the Legion, a document

of which the following is a copy, "We, the undersigned Commissioners, acting
 " for and on the behalf of Her Most Catholic Majesty, Isabella 2nd, do hereby
 " authorize Captain and Paymaster to estimate and draw pay, (ac-
 " cording to the British regulations,) for each and every officer of the late British
 " Auxiliary Legion, who was borne on the strength of the regiment,
 " on the 10th day of June, 1837, and to continue to estimate for and pay the
 " said officers, wherever they may be, according to their respective ranks in the
 " aforesaid regiment, up to the date on which the Spanish Government shall
 " finally arrange the liquidation of their claims, either by negotiable Bills of
 " exchange, payable in London, or cash payments, saving and excepting such
 " officers as have re-entered Her Most Catholic Majesty's service in the new
 " Legion; and we further authorize the sum of nine pounds sterling to be cre-
 " dited to such officers who may not be able to procure a free passage from San
 " Sebastian to England.

" In witness whereof we affix our signature."

(Signed)

" JUAN TENA."

" Dated San Sebastian, July, 1837.

" W. WYLDE, Colonel."

That in consequence of these assurances, emanating from so high and respectable a source as Her Majesty's Representative at the Court of Madrid, and the British Commissioner, your Memorialists, in common with a large body of their brother officers now in England, felt perfectly satisfied that their just claims on the Spanish Government would be speedily adjusted and discharged.

That your Memorialists have been detained in a state of the greatest anxiety and distress in this country, separated from their families and friends since the Royal Commission left here on the 28th July last, in daily expectation that the promises and pledges given to them would be fulfilled without receiving from either party the slightest communication that their claims had been at all considered by the Spanish Government.

That, relying on the pledges of these high official British Authorities, your Memorialists have been detained in this town until all their pecuniary resources have been exhausted, many of them being wounded, some having lost their limbs, and several being in a state of utter destitution, without billets or rations to subsist on.

That in addition to above 200 officers now here, there are also about 400 non-commissioned officers and privates, wounded, invalided, and disbanded, the greater portion of whom are wandering about the streets of this town, ragged and destitute, waiting without a shelter, a settlement of their claims, and a passage to their homes, many having applied without effect to the British Consul to be passed to England.

That it has been communicated to your Memorialists by Brigadier-General O'Connell, who arrived here on the 19th instant from Madrid, that there was no prospect of obtaining a settlement of the claims of the late Legion from the Spanish Government, and, further, that it did not appear to him that any means existed at Madrid to afford us the slightest relief.

Under all the foregoing circumstances, your Memorialists venture to appeal to your Lordship, and submit that they are entitled to expect from Her Britannic Majesty's Government immediate pecuniary relief commensurate with their present wants, and a complete fulfilment of the pledges given to them by Her Britannic Majesty's Minister and Commissioners in this country.

San Sebastian, September 22, 1837.

PRESIDENT,
 W. H. JACKS, Col. 2nd Lancers

COMMITTEE,
 JAS. ELLIS, Lieut.-Col.
 GEO. SERVICE, A.C.G., B.A.L.
 J. YARDLEY, Paymr. late 9th Regt.
 A. TAYLOR, M.D., Staff Surg.
 JOHNDRUMMOND, late Paymr. 6th Regt.
 J. EDWARDS, Paymr. late 4th Regt. West.
 Grenadiers

CHARLES BLACK, D.C.G.
 JNO. P. MEADS, Br. Lieut.-Col. A.D.C.

D. H. DAVIS, Staff Surg.
 R. GRINDLAG, D.C.G.
 J. B. WYATT, Lieut.-Col.
 HENRY JONES BUNNETT, M.D., As-
 sist.-Insp. of Hospital
 E. SMITH DE BURGH, Lieut.-Col. (Ex-
 Legion.)
 R. H. BATTEUSBY, Cap. 2nd Lancers
 ALF. BISHOP, Dep.-Assist.-Comy.-Gen.
 CHRISTOPHER JOHN KEAYS, Com.-
 Dep.
 O'DONNELL BURKE, Cort. 2nd Lancers
 HENRY BOWES BUNNETT, Assist.-
 Surg. on Staff.

- M. LIMENES, Lt. Rifles
 J. SHEPPARD, late Br.- R.I.
 W. S. LUCKIN, Dull.
 H. PIPER, Assist.-Surg. 2nd Lancers
 W. J. BULL, Major 1st Regt.
 JAS. BLOGGDACE
 THOS. G. HODGSON, Capt. 4th Regt. Inft.
 COLIN C. PENTLAND, Com. Dep.
 G. E. M. LAIN, Bl. Maj. Artil.
 G. J. MARTUIN, Capt. 2nd Lancers
 G. MUTTLERBERG, Capt. Artillery
 J. DORSET, Staff-Surgeon
 EDW. MARCAY, Assist.-Surg. Lancers
 R. G. JAMESON, Assist.-Surg. 6th Scotch
 Regt.
 T. CARR, Lt. 1st Scotch
 HENRY WILKINSON, Surg. 1st Scotch
 J. EDWARD FROLAN, Capt. Royal Irish
 H. WIGG, Com. Dep.
 C. B. BREAREY, Assist.-Surg.
 WILL. ARNOLD, Capt. 1st Regt.
 H. A. BACKER, Capt. 6th Regt.
 CHAS. STEWART, late Maj. 1st Regt.
 W. H. SHOLL, Assist. Staff-Surg.
 JOHN JOHNSTON, Staff-Surg.
 JOHN O'NEILL, Lt. late 6th Regt.
 RICH. BAKER, Major R. Y. Lancers
 H. G. SCOTT, Surg.
 JOHN ARMSTRONG, Lieut. 4th Regt.
 J. GAUCION, Staff-Surg.
 LOUIS LUIDO, Payms. 2d Lancers
 T. ORIEL, Com. Dep.
 JOHN MAHONY, Staff Assist.-Surg.
 WILLIAM MORGAN, Lieut. 6th Regt.
 ROBT. DORKER, Surg.
 J. WALTER, Surg. 1st Regt.
 T. MURPHY, Surg. 2nd Lancers
 I. W. FOSTER, Capt. late 6th Regt.
 I. W. LINTON, Capt. Rifles
 GEO. JEFFREY, Capt. Rifles
 R. DURIC, Capt. Rifles
 H. LYSTER, Br.-Major, 4th Regt.
 WM. BERRY, Lieut.-Gen. and Adj. 2nd
 Lancers
 J. W. HAMILTON, Capt. Rocket Troop
 J. M'NAMARA, Lieut. and Adj. late 7th
 Regt.
 J. D. HINSMAN, Com. Dep.
 A. DURHAM, Ens. 8th Regt.
 JAMES TRAJOAS, Lieut. 8th Regt.
 E. BAMAGE, Lieut. late Rifles
 JOSH. MARSH, Capt. 2nd Lancers
 R. O'CONNOR, Lieut. 4th Regt.
 H. BURK, Lieut. 2nd Lancers
 W. J. BARKER, Lieut. late Rifles
 GEORGE AYNGE, Field Train Artillery
 C. MOLONG, 2nd Lancers
 T. H. CHASE, Captain Artillery
 W. P. MURPHY, late Surg. 8th Regt.
 WM. RIDGE, late Br. Capt. 6th Regt.
 GEO. ROBBINS, late Lieut. 6th Regt.
 JAS. SUTT, late Lieut. 1st Regt.
 JNO. T. RAY, late Lieut. Engineers
 W. ATKINSON, late Com. Dep.
 CHAS. A. LERVICÉ, late Com. Dep.
 FRED. HAMPTON, Capt. Artillery
 JOHN KIRKWOOD, Assist. Surg. Artil.
 J. C. ROBERTS, late Assist. Artillery
 A. DOLER, Assist. Staff-Surg.
 HERBERT C. DAVIES, Lieut.
 EDWD. BOXER, 2nd Lieut. Rifles
 H. F. M'DERMOT, 2nd R. I.
 JOHN GOULD, Field Train Depart. of
 Artillery
 KINGGREVE, Capt. 1st Royal Lancers
 J. MANCHA, Com. Dep.
 WAL. CURIA, late Royal Infantry
 BUTLER DE BRUGH, late Capt. Rifles
 VHELON, Com. Dep.
 MICH. NOWLAN,
 ALFRED E. KING, Assist. Surg. Rifles
 WM. STAPLETON, late Lieut. 1st Regt.
 W. WEALE, Assist. Com. of Artillery
 JOHN J. BENNETT, Clerk of Stores of
 Artillery
 W. M. SLOANE, Col. late Bat.
 CH. HELY, Lieut. and R.M.
 CHAS. RICHD. ROGERSON, Dept. C.
 Artillery
 FRED. SNELLING, Field Train Dep.
 J. L. WILLS, Paymaster late 2nd Regt.
 F. CALDECOTT, Com. Dep.
 JAS. THOS. HIND, Com. Dep.
 JAS. BERVOR, late 2nd Lancers
 JAS. SCOTT, Lieut. late 6th Regt.
 C. W. P. ALMER, Lieut. late 1st Regt.
 W. N. NETSLESHIP, Capt. 6th Regt.
 JOHN BAYNE, Surg. 6th Regt.
 A. HORN BROOK, Bt.-Major Engineers
 W. J. FRYER, Lieut. Engineers
 H. TEMPLE BROWNE, late Capt. Rifles
 F. Y. SWIFT, late Lieut. 6th Regt. Scotch
 Grenadiers
 SYDNEY J. JAMES, late Capt. (unat.)
 W. PHILLIPS, Lieut. Rifles
 EDWD. DICKEN, late Staff-Assist. Surg.
 JAMES STEPHENS, Conductor of Stores
 C. DUNAGES, Purve.'s Clerk
 GEO. A. MACAULY, late Com. Storek.
 Dep.
 JOSEPH EDWARDS, Storekeeper
 G. E. MACCUBE, Lieut.-Col. Royal Irish
 PERCY J. MAYLEU, Royal Irish
 CHAS. D. AMBLYN, Cor. 1st Lancers
 W. TRAVAS, Lieut. 2nd Lancers
 J. M. KNIGHTON CHODURCH, late
 Capt. 4th Royal W. G.

No. 15.

Colonel Jacks to Viscount Palmerston.—(Received Oct. 13.)

My Lord,

St. Sebastian, September 28, 1837.

I HAVE the honour to transmit a memorial from the officers of the 2nd Regiment of Lancers of the British Auxiliary Legion; and as the case of that corps is peculiarly distressing, I hope it will meet with your Lordship's kind consideration.

I have the honour, &c.

Viscount Palmerston, G.C.B.
 &c. &c. &c.

(Signed) W. H. JACKS,
Colonel 2nd Lancers.

Inclosure in No. 15.

To the Right Honourable Lord Viscount Palmerston, Her Majesty's Secretary of State for Foreign Affairs.

THE Memorial of the officers of the 2nd Regiment of Lancers British Auxiliary Legion,

SHEWETH,

THAT your Memorialists, suffering in common with the Legion, respectfully beg leave to lay before your Lordship, for the consideration of Her Majesty's Government, the additional injustice to which this regiment has been subjected.

That upon the return of the Legion from Vitoria to resume the defence of the north coast of Spain, in the opening of the campaign of the year 1836, this corps was detached, and served with the army of the Ebro, under the order of the then Commander-in-Chief, His Excellency General Cordova; it served in that campaign, as also during the following one under the command of Count Luchana, continuing attached to that portion of the army, yet regularly in communication with, and occasionally receiving supplies from their own Head-Quarters.

That on the expiration of their term of service (10th June), they awaited orders to proceed north; and in consequence of the delay so occasioned, were in action and closely engaged on the 18th June, when the conduct of the regiment, and the particular service afforded by them in this affair, met the high approbation of the General commanding; this service having been performed after their obligation had ceased.

That having hitherto waited for orders from the Head-Quarters of the Legion without having received any, the commanding officer judged it expedient for the settlement of the claims of his regiment to rejoin Head-Quarters; and, with the concurrence of General Count Luchana, marched to the coast of Cantabria, and arrived at Santander, when it was found that the non-commissioned officers and men of all the other regiments of the Legion had received their arrears of pay, certificates of the gratuity allowed them, and a passage found them to England, with the exception of a certain number of men in hospital.

That this regiment therefore forms a great proportion of the Old Legion left destitute on these shores, without shelter, pay, or clothing; that in consequence of the pledges given by so high an authority as Her Britannic Majesty's Commissioner in this country (Colonel Wylde), and his sympathy verbally expressed for the "*shameful neglect*" with which this regiment had been treated, they awaited his promised exertions at Madrid on their behalf, and relied upon the following order:—

COPY.—“ WE the undersigned Commissioners, acting for and on behalf of Her Most Catholic Majesty Isabella II., Do hereby authorize Captain and Paymaster Lindo to estimate and draw pay according to the British regulations, for each and every officer of the late British Auxiliary Legion who was borne on the strength of the 2nd Regiment of Lancers, on the 10th day of June, 1837, and to continue to estimate for and pay the said officers (wherever they may be) according to their respective ranks in the aforesaid regiment, up to the date on which the Spanish Government shall finally arrange the liquidation of their claims, either by negotiable bills of exchange, payable in London, or cash payments (*saving and excepting such officers as have re-entered Her Most Catholic Majesty's service in the New Legion*). And We further authorize the sum of nine pounds sterling to be credited to such officers who may not be able to procure a free passage from San Sebastian to England.

“ In witness whereof we affix our signatures.

“ Dated San Sebastian,
“ July, 1837.

(Signed)

JUAN TENA,
W. WYLDE, Colonel.”

That having rested with confidence on this order and the promises made by the Royal Commission, that the regiment should first receive an equal share of

justice with the rest of the Legion, by the payment of their arrears up to the 10th of June last, and eventually a full settlement of their claims, they are notwithstanding left to this day, without having received any communication that might lead them to hope their case had been attended to.

That it has been a source of satisfaction to the officers of the regiment that suffering as their men have done under such unmerited neglect,—such unjust treatment, they have conducted themselves with the utmost patience and forbearance, they have been sustained in hope, and kept in tranquillity by the countenance of their officers,—for, however desirable it might have been to your Memorialists to have obtained their own claims previous to their departure from this country, they would long since, if studying their own comfort and convenience, have returned to England, but considered it a duty of honour, as of humanity, to give to those men who had served well and faithfully every advice, example, and support in their power.

That your Memorialists seeing no prospect of justice or protection for those subjects of England, who have served as soldiers in a cause espoused, and avowedly forwarded by their own Government, they claim for their men that measure of relief, adequate to their immediate necessities, and any further interposition for the *final* settlement of their just claims, that your Lordship and Her Britannic Majesty's Government may deem necessary to secure them.

And your Memorialists will ever pray.

W. H. JACKS, Colonel.

W. MARTIN, Lieutenant-Colonel.

R. H. BATTEESLEYS, Captain 2nd Lancers.

JOSH. MARSH, Captain 2nd Lancers.

J. E. PIPEA, Assistant Surgeon 2nd Lancers.

JAMES BEEVOR, Captain 2nd Lancers.

LOUIS LINDO, Captain and Paymaster 2nd Lancers.

O'DONEL BURKE, Cornet 2nd Lancers.

E. O. BURKE, Lieutenant 2nd Lancers.

T. MURPHY, Lieutenant 2nd Lancers.

C. MOPING, Colonel 2nd Lancers.

MICHAEL NOWLAN, Quarter-Master 2nd Lancers.

WM. BERRY, Lieutenant and Adjutant 2nd Lancers.

JAMES STEPHENS, Commissariat Dept. 2nd Lancers.

W. FEARUS, Lieutenant 2nd Lancers.

G. J. MATURIN, Captain 2nd Lancers.

San Sebastian, 28th September, 1837.

No. 16.

The Hon. W. Fox Strangways to Colonel Jacks.

Sir,

Foreign Office, October 13, 1837.

I AM directed by Viscount Palmerston to acknowledge the receipt of your letters of the 25th and 28th ultimo, transmitting two memorials from the officers of the late British Auxiliary Legion, now at St. Sebastian, upon the subject of their claims on the Government of Her Catholic Majesty; and I am to acquaint you, for the information of the Memorialists, that his Lordship has transmitted copies of your representations to Her Majesty's Minister at Madrid, with instructions to press upon the Spanish Government, in the most urgent manner, the necessity of satisfying forthwith, the just claims of the officers and men of the late Legion.

I am, &c.

Colonel Jacks.

(Signed)

W. FOX STRANGWAYS.

&c. &c. &c.

No. 17.

Viscount Palmerston to George Villiers, Esq.

Sir,

Foreign Office, October 13, 1837.

I HEREWITH transmit to you copies of two letters which I have received from Colonel Jacks, senior officer of the late British Auxiliary Legion in Spain,

dated San Sebastian, the 25th ultimo, inclosing two memorials, of which I also send copies, from the officers of the Legion, upon the subject of their claims upon the Government of Her Catholic Majesty.

I have to instruct you to communicate to the Spanish Government copies of these memorials, with a note pressing upon that Government, in the most urgent terms, the necessity of satisfying forthwith the just claims of the officers and men of the late Legion. You will remind the Spanish Government, that it was at the request of the Spanish Minister, that the Order in Council of the 10th June, 1835, was issued; and that British officers and men were encouraged to volunteer in defence of the Queen's cause; that the Legion has rendered most important services, and has preserved for Queen Isabella, during the last two years, the Northern Coast of Spain; and you will state that every principle of honour and justice, as well as every motive of policy, ought to impel the Spanish Government to make every effort and sacrifice for the purpose of satisfying claims which should be held sacred.

George Villiers, Esq.
&c. &c. &c.

I am, &c.
(Signed) PALMERSTON.

No. 18.

Colonel Jacks to the Hon. W. Fox Strangways.—(Received Nov. 24.)

Sir,

San Sebastian, November 15, 1837.

I HAD the honour of receiving your communication of the 13th ultimo, on the 12th instant only, acknowledging the receipt, at the Foreign Office, of two memorials addressed by the officers of the late B. A. Legion, now at San Sebastian, to Lord Viscount Palmerston; also acquainting me that his Lordship had been pleased to transmit copies thereof to Her Majesty's Minister at Madrid, with instructions to press upon the Spanish Government in the most urgent manner, the necessity of satisfying forthwith the just claims of the officers and men of the late Legion. For this I beg for myself, and on behalf of the officers and men, to return our most grateful thanks.

I now take the liberty of inclosing for the information and consideration of my Lord Palmerston, copies of a correspondence which has taken place between the House of O'Shea and Co. of Madrid, acting, as it appears, under the sanction of Sir George Villiers, and the Intendent General of the War Department, and myself as Chairman of the Committee of officers of the late Legion at this place, by which his Lordship, I regret to say, must perceive how far short the proposal of Messrs. O'Shea and Co. falls of a settlement of our claims forthwith.

Looking up, as we all of us do, to Viscount Palmerston as our friend and protector, I cannot refrain from drawing his Lordship's attention to the *per centage* the unfortunate officers are expected to pay for the promised, but doubtful advantages.

I shall feel greatly obliged if you will be pleased to forward the inclosed to Brigadier-General McDougall (per 2d. post) it containing only copies of the correspondence with Messrs. O'Shea and Co.

I have the honour to be, &c.

W. Fox Strangways.
&c. &c. &c.

(Signed) W. H. JACKS, Colonel, late
2nd Lancers, B. A. L.

Inclosure 1 in No. 18.

Conditions of service. (See page 23.)

Inclosure 2 in No. 18.

General Tena and Colonel Wylde's engagement to pay their men the full pay, till finally settled with remarks. (See page 23.)

Inclosure 3 in No. 18.

General order. (See page 24.)

Inclosure 4 in No. 18.

Messrs. O'Shea and Co. to Deputy-Commissary-General Black. (See page 20.)

Inclosure 5 in No. 18.

Madrid, 28 de Septiembre de 1837.

INTENDENCIA General Militar. Por el oficio que se ha servido V. dirigirme con fha 26 del corriente incluyendo copia de que le há remitido el Sr. Brigadier O'Connell Comandante de la Legion Auxiliar Britanica, veo con gusto el interés que V. se toma en que se finalizen les cuentas pendientes con varios oficiales de la Antigua Legion, para ahorrar al Erario los sueldos y gratificaciones que se hallan devengando, y espero de su buen celo que luego que reciba las liquidaciones que al efecto ha pedido el espresado Brigadier, se servirá darme conocimiento de elles para acordar lo que convenga á la terminacion de dicho asunto.

Dios gue á V. ms. as.

Dr. Enrique O'Shea.

(Firmado)

ROMAN LUIS ESCOBEDO.

(Translation.)

General Military Intendency.

Sir,

Madrid, September 28, 1837.

FROM the letter which you have been pleased to address to me under date of the 26th instant, inclosing a copy of that sent you by Brigadier O'Connell, the Commander of the Auxiliary British Legion, I am happy to find you are very solicitous that the accounts pending with several officers of the late Legion should be wound up, for the purpose of saving to the Treasury (as much as possible) of the pay and gratuities now due; and I trust to your well-known zeal, that the moment you receive the liquidations applied for to that effect by the above Brigadier, you will be pleased to communicate them to me, in order that I may take the proper steps for bringing that business to a conclusion.

God preserve you, Sir, many years.

Doctor Henry O'Shea.

(Signed)

ROMAN LUIS ESCOBEDO.

Inclosure 6 in No. 18.

Colonel Jacks to Messrs. O'Shea and Co. (See page 22.)

No. 19.

J. Backhouse, Esq., to Colonel Jacks.

Sir,

Foreign Office, December 5, 1837.

HAVING laid before Viscount Palmerston your letter to Mr. Strangways of the 15th ultimo, I am directed by his Lordship to state to you, in answer, that he has again, and very recently, instructed Sir George Villiers to press most urgently upon the Spanish Government the necessity of settling, without further delay, the just claims of the several officers and men of the late British Auxiliary Legion; and his Lordship hopes that funds will shortly be forthcoming to satisfy these demands.

I am, &c.

Colonel Jacks.

(Signed)

J. BACKHOUSE.

No. 20.

Colonel Fortescue to Viscount Palmerston.

My Lord,

15, *Devonshire Place*, August 12, 1837.

I HAVE the honour, in the name and on behalf of the officers of the late British Auxiliary Legion, to transmit for your Lordship's consideration the inclosed memorial, trusting it will meet with your Lordship's support, without which we have but small hopes of ever receiving justice from the Spanish Government.

Permit me, my Lord, to return you my sincere thanks for your previous kindness, and to remain, &c.

(Signed)

W. FORTESCUE.

Colonel, late B. A. Legion.

Inclosure in No. 20.

To the Right Hon. Lord Viscount Palmerston, Secretary of State for Foreign Affairs, &c. &c. &c.

The Memorial of the undersigned Officers of the late British Auxiliary Legion.

St. Sebastian, July 12, 1837.

YOUR Memorialists beg leave most respectfully to submit to your Lordship, that they were induced to enter into the service of Her Catholic Majesty, the Queen of Spain, under promises sanctioned by your Lordship and the British Government, and they trust that their conduct under severe privation and in the field has been such as to command the good opinion of every lover of liberty.

Your Memorialists have no desire to exaggerate their necessities, nor unfairly to represent the painful position in which, as officers and gentlemen, they are placed in a foreign country, where, from past experience, they have little to expect from an ungrateful government but contumely and insult.

Your Memorialists beg permission to remind your Lordship, that not only was the British Auxiliary Legion raised with the express sanction of the late King William and the present British Ministry, as manifested by the Royal Proclamation of the 10th June, 1835, but that the conditions of service were sanctioned by your Lordship and guaranteed to your Memorialists by General Alava, the then Spanish Ambassador, and by General Evans, their late commander. Scarcely one of those conditions has been performed by Her Catholic Majesty's Government.

Your Memorialists, after a faithful service of two years in a cause in which many hundreds of Englishmen have perished, and thousands have bled and suffered, find themselves neglected by the Government of the very country they have so ardently and disinterestedly served, and left (many of them with large families) to pine in misery and distress; their remonstrances and their appeal for justice to the Spanish Government alike unheeded and unnoticed.

Your Memorialists further beg to state that the widows and orphans of those who have fallen in action, or died from other causes in the service, are now supplicating without avail for the amount due their relatives at their death. Thus many a poor and unfortunate family is left in utter destitution without any hope of relief, but through the generous interference of your Lordship and the British Government.

Your Memorialists, as a last and only resource, are reduced to the painful alternative of thus respectfully laying before your Lordship the hardship of their case, feeling well assured that their appeal to so high an authority will render unnecessary a petition to the British House of Commons, and that steps will at once be taken at the suggestion or command of your Lordship, to insure your Memorialists a settlement of the heavy arrears of pay now owing to them by the Spanish Government, as well as an adjustment of all their equitable claims, and your Memorialists, as in duty bound, will ever pray, &c.

(Signed)

M. S. FORTESCUE, Lieut.-Colonel.

Chairman Meeting.

W. BURT, Secretary,

Paymaster late Rifle Corps.

The Hon. W. Fox Strangways to Mr. Villiers.

Sir, Foreign Office, August 23, 1837.

I INCLOSE to you for your information a copy of a letter which I have received from Colonel Fortescue, together with a memorial from the Officers of the late British Auxiliary Legion, praying for the interference of Her Majesty's Government with that of Spain, in order to obtain a settlement to their claims, as well as of the claims of the Widows and Orphans of those of the Legion who have died in the Spanish service.

I also inclose to you a Copy of a Petition which I have received from Donald Smith in behalf of the Invalids of the late British Auxiliary Legion; and I have to instruct you to urge strongly the claims of all these persons on the Spanish Government, pointing out the great hardships to which the individuals in question are exposed; and representing how extremely prejudicial it is to the credit and character of the Spanish Government that such claims should remain unsatisfied.

I am, &c.

(In the absence of Lord Palmerston,)

(Signed) W. F. STRANGWAYS.

George Villiers, Esq.

&c. &c. &c.

It will also appear that the Spanish Ambassador, in his letter to Colonel Fortescue of the 15th September, states that the Commission referred to in his letter to me of the 10th August, was appointed for the purpose of liquidating the claims of the late Legion, &c. &c. &c. in his letter to the Committee he affirms that he cannot "at the present time" give a definite answer, and "that the Spanish Legion in London has done all that could be desired by the claimants for their early settlement," from which latter statement it is inferred that nothing more will be done by the Spanish Embassy in England in the furtherance of the payment of the claims, &c. &c. &c. which have been already done, as the Spanish Ambassador conveys which could be desired by the claimants, an interpretation which is corroborated by the fact, that no answer has been given to the request of the Committee, communicated to his Excellency, in my letter of the 21st August, to be informed what report had been adopted for their immediate payment. It is therefore in the opinion of the Committee, quite apparent that there is no prospect of payment of the claims of the late Legion, and that the Commission was appointed solely for the purpose of delay. Under these circumstances the Committee, in order to accomplish the object for which they have been appointed, have no other alternative than to appeal to their own Government through your Lordship, in protection and justice. In making this appeal the Committee take occasion to observe on behalf of themselves and coadjutors that the fact of their presenting the consideration of their claims upon the Government of the nation, cannot be fairly attributed to mercenary feelings. The officers of the British Legion, composed of men of the highest rank, and greatest opulence of any in Europe, do not consider it necessary for their honor, to receive their country's bounty. The officers of the Legion have already made a great sacrifice, many of them having abandoned the whole of their private property in Spain, others having greatly diminished their resources, and who, being now disappointed of the remuneration expected for their services, find themselves unable to prosecute those pursuits which they had marked out for themselves on the termination of their services, still less can this application be attributed to a faction against many having engaged in the cause of the Queen of Spain from

Colonel Shaw to Viscount Palmerston.

My Lord, *Salopian Coffee House, Charing Cross, September 6, 1837.*

THE Committee of Officers of the late British Auxiliary Legion, appointed to effect a settlement of their claims upon the Spanish Government for arrears of pay, of pensions and gratuities due to the officers and men, and to the widows and orphans of those who fell in action, or died of their wounds or of disease, direct me to acquaint you that they have applied to the Spanish Ambassador to obtain the payment of their demands, and I have the honor, at their request, to transmit herewith copies of the correspondence which passed between them and the Spanish Ambassador on the subject.

From this correspondence it appears, that these claims are acknowledged to be just, and that the officers and men "supported the cause of Her Catholic Majesty with loyalty and gallantry." By the same authority the delay of payment is attributed to the financial difficulties of the Spanish Government, but that is a circumstance for which the Legion is not in any way answerable, and the Committee conceive it was the duty of the Spanish Government, before they entered into an agreement with the Legion to provide the necessary means of fulfilling their part of the engagement. This excuse might have been urged with greater appearance of sincerity if the more urgent cases of the claimants had been attended to, which your Lordship will readily believe, when you are informed that several officers of the Legion who have been so mutilated in the service of the Queen of Spain, as to be totally incapable of devoting themselves to any profitable pursuit of industry, and who are reduced in consequence to a state of utter destitution, have been notwithstanding, totally neglected by the Spanish Government, although the funds requisite to relieve the exigent condition of these gentlemen are inconsiderable in amount, and of such trifling consideration in the national expenditure of any country, that nothing but the most obstinate indisposition of the Spanish Government to fulfil their engagements with the Legion can be assigned as a reason why the pensions of those individuals are not paid.

It will also appear that the Spanish Ambassador, in his letter to Colonel Wetherall of the 16th September, states that the Commission referred to in his letter to me of the 18th ultimo, was appointed for the purpose of *liquidating* the claims of the Legion, while, in his letter to the Committee he affirms that he cannot "fix the time for their complete settlement," and "that the Spanish Legation in London has done all that could be desired by the claimants for their early settlement," from which latter statement it is inferred that nothing more will be done by the Spanish Embassy in England in the furtherance of the payment of the claims, every thing having been already done, as the Spanish Ambassador conceives, which could be desired by the claimants, an interpretation which is corroborated by the fact, that no answer has been given to the request of the Committee communicated to his Excellency, in my letter of the 21st ultimo, to be informed what steps had been adopted for their immediate payment. It is, therefore, in the opinion of the Committee, quite apparent, that there is no prospect of payment from the Spanish Government, and that the Commission was appointed solely for the purpose of delay. Under these circumstances, the Committee, in order to accomplish the object for which they have been appointed, have no other alternative than to appeal to their own Government through your Lordship, for protection and justice. In making this appeal, the Committee take occasion to observe on behalf of themselves and comrades, that the fact of their preferring the consideration of their claims upon the Government or the nation, cannot be fairly attributed to mercenary feelings. The officers of the British service, composed of men of the highest rank, and greatest opulence of any in Europe, do not consider it necessary for their honor, to serve their country gratuitously. The officers of the Legion have already made great sacrifices, many of them having absorbed the whole of their private property in Spain, others having greatly diminished their resources, and who, being now disappointed of the remuneration expected for their services, find themselves unable to prosecute those pursuits which they had marked out for themselves on the termination of their services, still less can this application be attributed to a factious spirit, many having engaged in the cause of the Queen of Spain from

political feelings, under an impression that their services would contribute to the establishment of free institutions and good government in Spain; some from a natural spirit of enterprise and adventure, others with the laudable desire of acquiring experience in the military profession, which might render them better qualified for active service in defence of their own country should any occasion arise to require their services, and all impressed with the conviction that they were engaged in an undertaking sanctioned by their Sovereign, and that they were performing acceptable service to the Government, and acting in unison with the sentiments of their fellow countrymen.

In adopting this course the Committee feel they are sanctioned by the universal practice of all nations, and acting upon a well-established principle of the law of nations, that the rights of individuals should be protected from foreign injury and injustice, a principle as ancient as the records of history.

It was the saying of one of the seven sages of Greece, that "the best Government was that which resented an injury done to one of its citizens, as an insult offered to the entire nation." This principle is laid down by Grotius, *de jure*, L 3, c. 2, 4 and 5, predicated by all our legal writers, and embodied in the statute law. The act 4 Henry V, c. 7, provides "That if any subjects of the realm are oppressed in time of peace by any foreigners, the King will grant *marque* in due form to all that feel themselves aggrieved." This power is incidental to the prerogative of the Crown, to be used at his discretion and the object of the statute, to use the language of Blackstone, was to "impel the prerogative," so careful were our ancestors to protect the natives of England from foreign injury.

If, then, my Lord, injustice done by foreigners to any subjects of the realm, be a just ground for investing them with lawful authority to make reprisals upon those who had injured them, until full satisfaction be rendered, it is evident that it is the duty of the Government not only to remonstrate against such conduct, but to use every possible means to enforce satisfaction being made to the parties aggrieved.

But, my Lord, these are considerations apart from that view of the case which give the officers and men of the British Legion peculiar claims upon the sympathy and protection of Her Majesty's Government. By the Order in Council, of the 10th June, 1835, it is stated, that His Majesty the late King William the Fourth, with the advice of his Privy Council, is desirous of enabling all persons to engage in the service of the Queen of Spain, and made it accordingly lawful for them so to do, and also to accept any money, pay or reward for the same, and those who embarked in the cause of Her Catholic Majesty had reason to believe that, in addition to the ordinary rights of protection enjoyed by them in common with the rest of their fellow-subjects, by engaging in this service, at the desire of the King and his Council, they had an ample guarantee for the fulfilment of the engagements under which they risked their lives in defence of the legitimate rights of the Queen of Spain and the liberties of the Spanish nation.

The Committee feel it their duty upon this occasion to express their gratitude to Her Majesty's Government for the exertions made on their behalf by the British Commissioner, Colonel Wylde, and they confidently entertain the hope that the British Government will procure for the officers and men of the British Legion the completion of the promises made by that functionary to them previous to their departure from Spain, and that should it be considered inexpedient to press the immediate payment of these claims upon the Spanish Government, in consequence of the financial difficulties of Spain, that they will adopt such means as may appear to them advisable to relieve the necessities of the officers and men, who, for the reasons already adverted to, are not in a condition to afford a long credit to the Spanish Government. The Committee further feel it their duty to direct the especial attention of Government to the case of the men to whom gratuities, and in some cases, arrears of pay, are due and who looking from day to day for the payment of their claims, are not only prevented from seeking employment, but being reduced to a state of the greatest misery, may be tempted from necessity to violate the law, and subject themselves to punishment, and the Committee feel satisfied that it would be a painful duty for the legal tribunals on the one hand to enforce the law upon these unfortunate men, while, on the other, their exemption from punishment, even under the palliating circumstances of their case, would afford a pernicious example, and perhaps endanger the public peace.

In conclusion, the Committee beg to observe that should it be found necessary to propose a grant of money equivalent to the sum due to the Legion by the Government of Spain, in the approaching session of Parliament, they have that confidence in the justice and generosity of the British Legislature, that it would be cheerfully agreed to, and that they would not deny to Englishmen what they have so nobly afforded to the Poles and other foreigners who had no other claim upon their bounty than the misfortunes, and the circumstance of their having fought in the cause of freedom.

The Committee may be permitted to state that the British Legion, while engaged in the service of the Queen of Spain, sustained the high character of the British soldier for bravery and military zeal, and under the most aggravated circumstances of provocation, were not induced to tarnish the national virtue of humanity.

The Committee therefore respectfully request that your Lordship will be pleased to bring the case under the consideration of Her Britannic Majesty's Government, with the view of procuring for the officers and men of the Legion the just settlement of their just claims.

I have the honour to be, &c.

Viscount Palmerston, G.C.B. (Signed) CLAUDIUS SHAW, Colonel,
 &c. &c. &c. late Com. Artillery B. L. Chairman of Committee.

Inclosure 1 in No. 22.

Colonel Shaw to the Spanish Ambassador.

Most Excellent Sir, *Salopian Coffee House, September 14, 1837.*

A NUMEROUS meeting of the officers of the late British Auxiliary Legion of Spain, was held a few evenings since, for the purpose of considering the best means of obtaining a settlement of the sums due to them from the Government of Her Catholic Majesty, at which a Committee was appointed to act in such a manner as they should think most conducive to forward the views of the meeting, and I have been, in consequence, requested to address your Excellency on the subject in their behalf.

Your Excellency must be aware that there are great arrears of pay due to the officers of the Legion, they not having been paid up further than to the 30th June, 1836; and that the compensation to which they are entitled by the engagements of the Spanish Government at the expiration of the service is also due to them.

I would also state that many widows and orphans of men who have lost their lives in the service of the Queen of Spain, are obliged to trust to casual charity for their support.

Having so far laid before you the state of the officers, allow me to say in the name of the Committee, that the soldiers are in a most miserable and disgraceful state, as your Excellency must be well aware.

It was understood some time ago that a Commission would sit to investigate the claims of the Legion; I am instructed, on behalf of the Committee to inquire if such commission is actually sitting, and what the results may be.

Trusting therefore, most Excellent Sir, that you will take some steps to alleviate the suffering, and satisfy the just claims of so many individuals, who were always ready to risk their lives while in the service of your country for the support of Her Most Catholic Majesty, and that some specific time may be stated when they may expect a settlement, for, if even this was done, many of the difficulties under which both officers and men at present labour, might be removed.

I have the honour to be, &c.

(Signed) CLAUDIUS SHAW, Chairman,
 Late Com. Artillery B. A. L.

His Excellency the Ambassador of Her Most Catholic Majesty.

Inclosure 2 in No. 22.

The Spanish Ambassador to Colonel Shaw.

Sir, *33, Wimpole Street, September 18, 1837.*
 I HAVE the honor to acknowledge the receipt of your letter of the 14th instant, concerning the claims of the officers and men of the late B. A. Legion

against the Spanish Government, and in reply, I beg to inform you that the Commission for the investigation of all claims for arrears of pay, pensions to invalids, widows, and for the gratuities for which they have been recommended in Spain is already appointed, and will sit in the course of a few days, as soon as Colonel Wetherall delivers up all the documents belonging to the Commandant's Office.

I regret to say that the great difficulties in which the Spanish Treasury finds itself by the prolongation of the civil war, and of which the British subjects who served in the Legion are well aware, are the only reasons for which their just claims have not been settled. The Spanish Legation in London has done all that could be desired by the claimants for an early settlement, but unfortunately unforeseen circumstances have prevented the remittance from Spain of the necessary funds.

Being aware of the suffering of many individuals of the Legion, and anxious to relieve them from such a state of anxiety, I have written to Madrid, pressing the Government in behalf of the claimants, and though I cannot at present fix the time for the complete settlement of their claims, I flatter myself that the Spanish Government will not lose any time in attending to so just demands, and I hope that the officers and men of the late Legion will consider the present situation of the Spanish Treasury, and being convinced of the real cause of the delay, will not be led to believe that Her Catholic Majesty does not make all the efforts in her power to settle the claims of those soldiers who supported her cause with loyalty and gallantry.

I have the honor to be, &c.
(Signed) MANUAL M. DE AGUILAR.

Colonel Shaw, late B. A. Legion.

Inclosure 3 in No. 22.

Colonel Shaw to Colonel Wetherall.

Sir,

Salopian Coffee House, September 18, 1837.

I AM instructed by the Committee of officers of the late B. A. Legion formed for the purpose of getting a settlement of the claims due by the Spanish Government to transmit you the following extract of a letter from the Spanish Ambassador to me, viz :

“ I beg to inform you that the Commission for the investigation of all claims
“ for arrears of pay, pensions to invalids, widows, and for the gratuities for which
“ they have been recommended in Spain, is already appointed, and will sit in the
“ course of a few days as soon as Colonel Wetherall delivers up all the docu-
“ ments belonging to the Commandant's Office.”

And to request that you will be pleased to acquaint the Committee when you can afford the information required, as it is a matter of the greatest importance that an early communication should be made upon the subject to the Spanish Ambassador.

Colonel Wetherall.

I have the honour to be, &c.
(Signed) CLAUDIUS SHAW, *Chairman.*

Inclosure 4 in No. 22.

Sir,

Commandant's Office, September 20, 1837.

I BEG to acknowledge the receipt of your letter of the 18th instant, with an extract of a letter from the Spanish Ambassador, stating that a Commission is already appointed, and will sit in a few days, as soon as Colonel Wetherall delivers up all the documents belonging to the Commandant's Office.

I request you will be good enough to state to the Committee that the claims for arrears of pay, gratuities, &c. can in no way be expedited by my delivering up the documents in my office, which only relate to payments already made; I certainly hold in trust the claims of several officers for arrears of pay, but I should not feel myself justified in delivering these original papers into the hands of any other persons than those who entrusted them to me.

I am most anxious to assist in any way in which I can, towards the early settlement of the claims of the Legion, and shall feel happy to forward to the Commission any document which may be considered necessary to assist them.

I am not aware of having any documents in my possession, which can in the least facilitate the liquidation of arrears of pay, gratuities, &c.

I have the honour to be, &c.
Colonel Shaw, late B. A. L. (Signed) C. WETHERALL, Col.

Inclosure 5 in No. 22.

Translation of a letter from the Spanish Ambassador to Colonel Wetherall.

Sir, Legation of Spain, London, September 16, 1837.

THE Commission which is to liquidate the claims of all the individuals of the late B. A. Legion, being already formed, you will be pleased immediately to put yourself in communication with Don Jose Maria Barrier, Consul General of Spain at this Court, and president of the same Commission, in order to deliver at once to him under a formal inventory, all the papers, accounts and other documents belonging to your command, and existing in your office, for which purpose, I write by this date to the said Consul General giving him my instructions to take charge in the manner indicated of every thing you may deliver to him.

I have the honour to be, &c.
Colonel Wetherall. (Signed) MANUEL M. DE AGUILAR.

Inclosure 6 in No. 22.

Colonel Shaw to the Spanish Ambassador.

Most Excellent Sir, Salopian Coffee House, September 21, 1838.

IN reply to the letter which you did me the honour to address to me as chairman of the Committee of officers of the late British Auxiliary Legion, dated 14th instant, I am directed to state that I transmitted a copy of it to Col. Wetherall, requesting to be informed when he would be prepared to furnish the information which you require for the settlement of the claims, and I have the honour to transmit herewith, a copy of his reply, (*vide* No. 4.)

I am instructed by the Committee to observe that the officers and men are in possession of certificates of their individual claims upon the Spanish Government, and as it appears by a copy of your letter of the 16th instant, to Colonel Wetherall, which he transmitted to this Committee for their information, that the object for which a commission referred to in your letter is formed, is for the purpose of "liquidating" the claims of all the individuals of the late British Auxiliary Legion, so that if the Spanish Embassy have at their disposal the necessary funds to pay the claimants, the certificates above referred to, will be the only documents necessary to ascertain the amount due to each officer and man.

The Committee fully appreciate the financial difficulties of the Spanish Government, of which the sacrifices which the officers and men have already made, and the privations they have endured in consequence, afford the best evidence, but they are of opinion, that if any further sacrifices are to be made, they should fall upon the Spanish nation, by their making an extraordinary effort to satisfy the just claims of the Legion.

I may also be permitted to observe that the officers previous to their departure from Spain, were required by the Spanish authorities to liquidate all the debts which they had incurred in the country, even for the common necessaries of life, in consequence of the non-fulfilment of the engagements of the Spanish Government, which I am justified in saying were paid, and in many instances from the private resources of individuals.

I have to request that you, most excellent Sir, will be pleased to acquaint me, for the information of the Committee whether any, and what arrangements, have been adopted by the Spanish Government, for the immediate payment of these just claims.

It is unnecessary to remind your Excellency that the claimants in this case have no means of enforcing the payment of their demands, and that their settlement rests solely on the good faith of the Spanish nation.

I have the honour to be, &c.
(Signed) CLAUDIUS SHAW, Chairman.
His Excellency the Ambassador of late commanding Artillery B. A. L.
Her Catholic Majesty.

No. 23.

Colonel Shaw to Viscount Palmerston.—(Received November 3.)

My Lord, *Salopian Hotel, Charing Cross, November 2, 1837.*

I HAVE the honor to transmit for your Lordship's consideration, the resolution agreed to by the Committee of officers of the late British Auxiliary Legion, appointed to effect a settlement of their claims upon the Spanish Government, and to inform you, that I am directed by the Committee to request that you will draw the attention of the Spanish Government to the subject, and be pleased to favour the Committee with a reply at your earliest convenience.

I have the honour to be, &c.

(Signed) CLAUDIUS SHAW, Chairman.

Colonel late British Legion.

Viscount Palmerston, G.C.B.

&c. &c. &c.

Inclosure in No. 23.

Extract from the proceedings of a Committee of Officers of the late British Auxiliary Legion, appointed for effecting a settlement of their claims.

Salopian Hotel, October 10, 1837.

LIEUTENANT COLONEL BOYD stated to the Committee, that it had appeared in the "Morning Chronicle," of a late date, that the continuation of the pay granted by the Royal Commission, Brigadier-General Tena, Colonel Wylde, and Don Mateo Llanos, which was ordered to go on till the final settlement of the Legion, was not approved of by the Spanish Government.

Upon which it was proposed by Captain Glasier, seconded by Major Shaw, that the Committee are of opinion, that the officers should not acquiesce in such opinion, but should appeal to their own Government, to enforce the ratification of the conditions which were signed by the British Commissioner Colonel Wylde, Royal Artillery.

True extract.

(Signed)

CLAUDIUS SHAW,

Chairman.

No. 24.

John Backhouse, Esq. to Colonel Shaw.

Sir, *Foreign Office, November 8, 1837.*

I AM directed by Viscount Palmerston to acknowledge the receipt of the letter which you addressed to his Lordship on the 6th September last, as Chairman of a Committee of officers of the late British Auxiliary Legion, appointed to effect a settlement of their claims upon the Spanish Government, for arrears of pay, and pensions, and gratuities due to the officers and men, and to the widows and orphans of those who fell in action, or have died of wounds or disease: and I am to acquaint you that Lord Palmerston has instructed Her Majesty's Minister at Madrid, to make a representation to the Spanish Government, founded upon the statement which your letter contains; and at the same time to express to that Government the just and confident expectation of Her Majesty's Government that these claims will be settled without further delay.

I am, &c.

(Signed)

J. BACKHOUSE.

Colonel Shaw.

&c. &c. &c.

No. 25.

John Backhouse, Esq. to Colonel Shaw.

Sir, *Foreign Office, November 8, 1837.*

I AM directed by Viscount Palmerston to acknowledge the receipt of your letter on the 2nd instant, inclosing an extract from the proceedings of a Com-

mittee of officers of the late British Auxiliary Legion, appointed to effect a settlement of their claims upon the Spanish Government; and I am to request that you will communicate to his Lordship the newspaper article to which your letter refers, and that you will, at the same time, state to his Lordship what grounds the Committee have for supposing that the information which the article contains is well founded.

I am, &c.

Colonel Shaw,
&c. &c. &c.

(Signed) J. BACKHOUSE

No. 26.

Colonel Shaw to Viscount Palmerston.—(Received December 18.)

My Lord,

Salopian Coffee House, December 16, 1837.

WITH reference to Mr. Backhouse's letter to me, communicating your Lordship's reply to my letter, of the 6th September, in which you were pleased to direct him to state that instructions had been transmitted by your Lordship to the British Ambassador at Madrid, to represent to the Spanish Government the just expectation of Her Britannic Majesty's Government, that the claims of the late British Legion "would be settled without further delay."—I am instructed by the Committee to request that your Lordship will acquaint me, for their information, whether any reply has been received from Madrid, in answer to your Lordship's communication on the subject of those claims.

May I request that your Lordship will do me the favour to reply to this letter, at your earliest convenience.

I have the honour to be, &c.

Viscount Palmerston, G.C.B.
&c. &c. &c.

(Signed)

CLAUDIUS SHAW, Colonel.

No. 27.

Colonel Shaw to Viscount Palmerston.

My Lord,

Clapham Road, January 3, 1838.

AS a great deal of anxiety exists among the officers of the late British Legion, to learn the result of the representation which you had the kindness to instruct the British Ambassador, at Madrid, to make to the Spanish Government, with reference to my letter of September last, upon the subject of their claims, and as I have received pressing invitations from various quarters to convene a meeting with reference to this matter, I earnestly request that your Lordship will do me the favour to acquaint me, for the information of the parties interested, what answer, if any, has been given to the representation referred to.

I have the honour to be, &c.

(Signed)

CLAUDIUS SHAW,

Viscount Palmerston, G.C.B.

Colonel late B.L.

&c. &c. &c.

No. 28.

John Backhouse, Esq. to Colonel Shaw.

Sir,

Foreign Office, January 31, 1838.

I AM directed by Viscount Palmerston to acknowledge the receipt of your letter of the 3rd instant, and to acquaint you in reply to the inquiry which it contains, that no satisfactory answer has yet been received from the Spanish Government with respect to the settlement of the claims of the officers and men of the late British Auxiliary Legion; but that at the date of the last despatches received from Madrid, Sir George Villiers was still pressing the matter upon the most serious attention of the Spanish Ministry.

I am, &c.

(Signed)

J. BACKHOUSE.

Colonel Shaw.

&c. &c. &c.

Colonel Shaw to Viscount Palmerston.—(Received April 18.)

My Lord, 1, *Portland Place, Clapham Road, April 14, 1838.*

I AM instructed by the Committee of Officers of the late British Legion to call your Lordship's attention to the circumstances of a loan being now in course of negotiation by the Spanish Government, and to request that your Lordship will be pleased to take such steps as may secure to the officers and men, the immediate settlement of their claims.

The accomplishment of this loan, which is stated to amount to five millions sterling, affords a propitious opportunity for effecting this object, which, if neglected, the Committee feel persuaded that the chance of ultimate payment is hopeless.

I am further desired to state to your Lordship, that the Committee have no reliance whatever upon the promises of the Spanish Government, which have been so repeatedly violated in their regard, and that their only hope of payment rests upon your Lordship's interference in their behalf. They feel every confidence in your Lordship's assurances to press the payment of these claims upon the Spanish Government, who, they feel satisfied, will not be enabled to evade the fulfilment of their promises to Sir George Villiers in this matter.

I have the honor to transmit for your Lordship's information the copy of a letter from the Spanish Ambassador in London, with reference to this subject, in September last, from which it will appear that the only plea "the want of funds," which had been urged in that instance, will have been removed in that instance, for the delay of payment by the accomplishment of the loan referred to, and that therefore, the Spanish nation is bound in honor and good faith to liquidate the claims of the Legion without further delay.

Requesting that your Lordship will give this matter your serious consideration, and that you will secure justice being at length done to the officers and men of this corps.

I have the honor to be, &c.

(Signed) **CLAUDIUS SHAW,**

*Colonel of Artillery, late British Legion,
Chairman of Committee.*

Viscount Palmerston, G.C.B.

&c. &c. &c.

Inclosure in No. 29. (See Inclosure No. 2 in No. 22.)

No. 30.

John Backhouse, Esq. to Colonel Shaw.

Sir, *Foreign Office, April 26, 1838.*

I AM directed by Viscount Palmerston to acknowledge the receipt of your letter of the 14th instant, and to acquaint you in answer, that no steps have been or will be omitted by his Lordship, to urge the Spanish Government to settle the claims of the late British Auxiliary Legion.

I am, &c.

(Signed) **J. BACKHOUSE.**

*Colonel Shaw,
&c. &c. &c.*

No. 31.

Colonel Shaw to Viscount Palmerston.—(Received May 2.)

My Lord,

Portland Place, Clapham Road, April 20, 1838.

THE Committee of Officers of the late British Auxiliary Legion, beg leave most respectfully to represent to your Lordship, that they have been now nine months in daily expectation of an arrangement of their claims upon the Spanish Government, and have not as yet received any assurance of a settlement.

They entertained a confident expectation that their hopes of payment would be realized when it was stated by your Lordship in the House of Commons, that a commission had been appointed by the Spanish Government, for the purpose of adjusting those claims, and that a portion of what was due to the officers would be advanced before the commission had investigated their individual claims.

Mr. Black, one of the commissioners nominated by the Spanish authorities, has arrived in England; he states that he has funds neither to pay any portion of the money due to the officers, or even the expenses of hiring an office, and he adds that he has no reason to expect that any funds will be remitted to this country by the Spanish Government for the payment of any portion of the debt due to the Legion.

The Committee therefore feel persuaded that the Spanish Government have no intention of paying these claims, and that their only expectation of redress depends upon the British Government, and they therefore beg leave respectfully to request that your Lordship will move the Government, of which you are a member, to take upon themselves the payment of these claims.

The repeated breach of promises, and the general bad faith of the Spanish Government towards the Legion leave them no reason to expect justice at their hands, and they hope that the British Government will act towards them, with the generosity for which it has long been distinguished, and that they will not suffer men who have fought faithfully in defence of their principles to be defrauded of their just rights, and to continue longer exposed to the privations and hardships which they have suffered in consequence of not being paid their just claims by the Spanish Government.

I have the honour to be, &c.

Viscount Palmerston, G.C.B.
&c. &c. &c.

(Signed) CLAUDIUS SHAW,
Colonel British Auxiliary Legion,
Chairman of Committee.

No. 32.

John Backhouse, Esq. to Colonel Shaw.

Sir,

Foreign Office, May 4, 1838.

I AM directed by Viscount Palmerston to acknowledge the receipt of your letter of the 30th ultimo, requesting, as Chairman of a Committee of officers of the late British Auxiliary Legion, and for the reasons stated in your letter, that his Lordship will move Her Majesty's Government to take upon themselves the payment of the claims of the Legion against the Spanish Government; and I am to acquaint you, that Lord Palmerston has transmitted your representation for the consideration of the Lords Commissioners of Her Majesty's Treasury.

Colonel Shaw.
&c. &c. &c.

(Signed) J. BACKHOUSE.

No. 33.

John Backhouse, Esq. to Colonel Shaw.

Sir,

Foreign Office, May 12, 1838.

WITH reference to my letter of the 4th instant, I am directed by Viscount Palmerston to inform you, that the Lords Commissioners of Her Majesty's Treas-

surely have stated to his Lordship, that there are no funds at the disposal of that Board which could be applied to the claims of the late British Auxiliary Legion upon the Government of Spain.

I am, &c.

(Signed)

J. BACKHOUSE.

Colonel Shaw,
&c. &c. &c.

Your Lordship has already, I think, no doubt, received many communications regarding the Legion, and I am sure that you will be able to give me the information I require. I have no objection to my name being placed under my command, but as a matter of fact, I have no influence in any of the departments of the Government, and I cannot be of any service to you in that respect. I have no objection to your name being placed under my command, but as a matter of fact, I have no influence in any of the departments of the Government, and I cannot be of any service to you in that respect.

I may be permitted, perhaps, to mention to your Lordship some of the reasons which have caused the delay in offering their services for another year to the Queen of Spain, and I cannot but feel that these reasons give us a strong claim on Her Majesty's Government, as well as a confident hope that the Ministry of our own Government will not allow those claims to be treated with contempt.

In the first place, I must allude to the part of those officers and men under my command, who have been in the service of the Spanish Government to retain a force in the country, and the embarrassed state of its finances. This did not prevent us from having a right to be on the same footing as the other forces, and to have our claims treated with the same consideration as those of the other forces.

They were fully aware of the importance of the Queen's Government of their retention as a counterweight to the British naval co-operation on the coast, and they also felt that their own conduct during all the late campaigns made it desirable to secure their retention. For knowing this, and feeling that greater efforts would be made to pay their claims should they hold back, they have not hesitated to accept the offer, but on the contrary, have used every endeavour to avoid embarrassing the Government. I feel I add that the knowledge of the British Government's position has also been a great inducement to the Legion, and we believe that our own Government also felt an interest in the question.

I will now state what is the main substance of my appeal to your Lordship's intervention, referring to the promises of the Royal Commission, which Colonel Wylie was a member of, and which I occupied the command of this force, believing that I should, as my duty, be furnished with a sufficient supply of money to keep the men in a state of discipline, even if I had not the means of procuring their pay through the regular channels. The defect, which was suggested strongly by the assertions of Colonel Wylie, based on letters from Mr. Villiers, has been most completely dispelled. The Royal Commission has not only been most completely satisfied, but I have not received one farthing from the Government, and up to this moment, I have not received one farthing from the Government, and am without any prospect of obtaining one.

The only funds which have been advanced to the Legion have been from the commerce of this town, who now refuse to make any further loan. Under these circumstances, I have taken the determination of going to Madrid, and leaving personally from the Minister whether it be from want of power, or want of inclination to meet the wants of the Legion, that it is left in its present state of destitution; whatever the case, it is perfectly evident that should the Government possess no remedy to the evil, the retention of an ill-paid, and consequently, ill-disciplined corps, can be of very little benefit to the service, and may reflect much discredit on our national character. I shall, in such case, consider the contract entered into with us as broken on the part of the Government, and I shall demand the transport of the men to their own country. The men, of course, will be thrown in a great state

No. 34.

Brigadier-General O'Connell to Viscount Palmerston.—(Received Aug. 17.)

My Lord,

Head-Quarters, San Sebastian, July 30, 1837.

I TRUST your Lordship will not deem me presumptuous in thus intruding on your time, but as a sense of duty to those of my countrymen, now placed under my command, impels me to leave no influence untried in my endeavours to secure a proper attention to their claims, I venture to address your Lordship in hopes that, through your powerful interference, the Spanish Government may be induced to lend that attention to my remonstrances which the unaided justice of them could never obtain.

Your Lordship has already, I make no doubt, received many communications complaining of the breach of faith committed by the Spanish Government towards the officers and men composing the force serving here, under the command of General Evans, and whose term of service expired on the 10th June last;—and doubtless, also, Colonel Wylde has put your Lordship in possession of the means by which many have been induced to remain in this service, and to continue in the Legion, which I have now the honour to command.

I may be permitted, perhaps, to recapitulate to your Lordship some of the reasons which have caused this force to offer their services for another year to the Queen of Spain; and I cannot but feel that these reasons give us a strong claim on Her Majesty's Government, as well as a confident hope that the ministry of our own gracious Sovereign will not allow those claims to be treated with contempt.

In the first place, then, I must plead on the part of those officers and men under my command, that knowing, as they did, the anxiety of the Spanish Government to retain a force of Englishmen in this country, and the embarrassed state of its finances, they did not insist, as they had a right to do, on the immediate settlement of their arrears, but at once came forward, and frankly trusting to the promises of the Royal Commission, again tendered their services. They were fully aware of the importance to the Queen's Government of their retention, as a connecting link with the British naval co-operation on this coast; and they also felt that their own conduct, during all the late campaigns, made it desirable to secure their services. Yet knowing this, and feeling that greater efforts would be made to pay their claims should they hold back, they have not hesitated one instant, but, on the contrary, have used every endeavour to avoid embarrassing the Government. Need I add that the knowledge of the British Commissioner, forming part of the Board for the re-organization of the Legion, lead us to believe that our own Government also felt an interest in the question.

I will now state what is the more immediate cause of my appeal to your Lordship's interference:—trusting to the promises of the Royal Commission, of which Colonel Wylde was a member, I accepted the command of this force, believing that I should, at any rate, be furnished with a sufficient supply of money to keep the men in a state of discipline, even if I had not the means of preventing their pay running into arrear. This belief, which was supported strongly by the assertions of Colonel Wylde, based on letters from Mr. Villiers, has been most completely disappointed. The Royal Commission has left St. Sebastian, and, up to this moment, I have not received one farthing from the Government, and am without any prospects of obtaining one.

The only funds hitherto advanced to the Legion have been from the commerce of this town, who now refuse to make any further loan. Under these circumstances I have taken the determination of going to Madrid, and learning personally from the Minister whether it be from want of power, or want of inclination to meet the wants of the Legion, that it is left in its present state of destitution: whatever be the cause, it is perfectly evident that should the Government possess no remedy to the evil, the retention of an ill-paid, and, consequently, ill-disciplined corps, can be of very little benefit to the service, and may reflect much discredit on our national character. I shall, in such case, consider the contract entered into with us as broken on the part of the Government, and I shall demand the transport of the men to their own country. The men, of course, will be thrown in a great state

of destitution on their own shores, and will eventually become a burden to their parishes; and it is to avoid this, if possible, that I request the exertion of your Lordship's interference with the Spanish Government.

I have drawn on my own private resources, to furnish the men under my command with the small daily sum necessary to supply their breakfasts, and to deprive them of any pretence to mutiny during my absence.

In conclusion, may I beg, therefore, that should your Lordship take our case into your kind consideration, you will forward to Madrid, for which place I set out to-morrow, such communications to the Spanish Government as may give weight to my endeavours, to a settlement of the claims, as well of the old Legion as the present one.

Viscount Palmerston, G. C. B.

&c. &c. &c.

I have the honour to be, &c.

(Signed) M. C. O'CONNELL.

Brigadier-General, Commanding British Legion.

No. 35.

Brigadier-General O'Connell to Viscount Palmerston.

(Extract.)

London, January 5, 1838.

I TRUST your Lordship will direct that both officers and men may be retained and rationed, at some convenient place, until their demands on the Spanish Government be finally adjusted: and for the speedy accomplishment of this object I would venture to suggest, that a Commission be formed, with power from the Spanish Ambassador to give a decision on all questions brought before it.

No. 36.

J. Backhouse, Esq., to Brigadier-General O'Connell.

Sir,

Foreign Office, January 31, 1838.

I AM directed by Viscount Palmerston to acknowledge the receipt of your letter of the 5th instant, in which you suggest that measures should be taken to provide rations and accommodation at some convenient place for the officers and men of the British Auxiliary Legion expected shortly to be landed in England, until the demands of those persons upon the Spanish Government shall have been finally adjusted; and further, that for the more speedy accomplishment of this object, a commission should be formed under the authority of the Spanish Minister, with powers to decide on all questions brought before them relating to these claims.

Lord Palmerston having referred your letter to the Chevalier de Aguilar, I am directed to acquaint you that an answer has been received from that Minister, by which it appears that he is without any instructions or information from his Government, upon the matters to which your letter relates, and that he is not in possession of any documents or other data which could enable him to form any opinion, as to the circumstances under which the new Legion has been dissolved, or as to the extent of its claims upon the Spanish Government, and that it is therefore impossible for him to take upon himself the responsibility of forming such a commission as you suggest. The Chevalier de Aguilar adds, however, that he has written to his Government for instructions upon this subject.

I am, &c.

Brigadier-General O'Connell.

&c. &c. &c.

(Signed)

J. BACKHOUSE.

No. 37.

Brigadier-General O'Connell to Viscount Palmerston.—(Received January 30.)

My Lord,

James Street, New Palace, London, January 29, 1838.

I REGRET extremely that I should again feel compelled to intrude on your Lordship, but I trust that when you consider the deep responsibility under

which I labour towards the unfortunate individuals who compose the British Legion of Spain, you will understand the motive which compels me to leave no effort untried to obtain for them a release from their present distressing situation.

I feel, my Lord, that I was the more direct medium of inducing the officers and men who served under my command to volunteer their services on the reformation of the Legion on the 10th of June last; and I owe it to them as well as to myself, to prove that nothing in my power to accomplish has been left untried to procure for them the just fulfilment of all the stipulations entered into with the Spanish Government at that period.

I have received letters from St. Sebastian, which represent the difficulty of carrying into effect the embarkation of the Legion in the vessels which Her Majesty's Government have sent to convey them to this country—a difficulty caused by the total want of those funds which the Spanish Government should have remitted for the payment of the men and officers.

It is needless that I should enlarge on the miseries to which these unfortunate men must be subject, as they must be too apparent to require comment from me, but perhaps it is necessary I should dwell on the circumstances which in this particular case render them more than usually distressing. I must remind your Lordship that these men are left in a country subject to military law, and are liable, when in a state of intoxication, to come in contact with the Spanish soldiery, and in the quarrels which have frequently arisen, lives have been lost; also, there being many persons in the town of St. Sebastian who are in the habit of inducing the soldiery to sell their wearing apparel, I fear the good effects of the beneficent measure of Her Majesty's Government in sending out clothing for the Legion, will be thrown away, and the men in this inclement season subject to great mortality from the want of covering. The officers are likewise in the greatest distress, and although having eighteen months' arrears of pay due to them, are, for the most part, unable to provide for themselves aught beyond the daily ration of bread and meat.

This situation, therefore, is one of extreme misery, and I trust your Lordship will excuse my suggesting that, as the Spanish Government is evidently unable to provide funds to meet their engagements, your Lordship might influence the Government, of which you are a member, to advance the sum necessary for this purpose.

I feel I have a strong claim to beg this assistance from Her Majesty's Government from the circumstance of its being chiefly owing to the representations and exertions of Sir George Villiers and Colonel Wylde, that the re-engagement of the Legion after the 10th of June last was effected. The repeated assurances of Sir George Villiers, conveyed through Colonel Wylde, that all the claims of the Legion should be settled, was the only means by which the disinclination of that force to re-engage could be overcome; and to make these assurances more satisfactory, I was shown a letter from the house of Messrs. O'Shea, bankers at Madrid, to Sir George Villiers, stating that they, Messrs. O'Shea, had agreed to advance to the Spanish Government a large sum of money towards the payment of the claims of the old Legion, and were about to make an arrangement with M. Mendizabel for providing the necessary funds during the ensuing year for the maintenance of the new.

These proceedings, I repeat, my Lord, persuaded me, that in lending my efforts to reform the Legion, I was assisting the foreign policy of my own Government, and at the same time convinced me that in confiding in the representations of recognized British authorities, I was not liable to the charge of rashly inducing the men and officers again to volunteer their services to Spain.

I have therefore merely to hope that your Lordship will take the case of the Legion into your serious consideration, and relieve it as speedily as circumstances will allow from its present distressing situation.

I have the honour to be, &c.

Viscount Palmerston, G.C.B.

(Signed)

M. C. O'CONNELL,

&c.

&c.

&c.

Brigadier-General, Commanding B.A.L.

No. 38.

J. Backhouse, Esq., to Brigadier-General O'Connell.

Sir,

Foreign Office, January 31, 1838.

I AM directed by Viscount Palmerston to acknowledge the receipt of your letter of the 29th instant, and to acquaint you in answer thereto, that it appears by accounts received yesterday, that an officer had been sent from Madrid to St. Sebastian, with a sum of money for the British Auxiliary Legion, and with authority to endeavour to make arrangements with the officers and men of the Legion.

I am, &c.

Brigadier-General O'Connell.

(Signed) J. BACKHOUSE.

&c. &c. &c.

No. 39.

Brigadier-General O'Connell to Viscount Palmerston.—(Received February 22.)

My Lord,

London, February 21, 1838.

I HAVE again the honor to address your Lordship in behalf of the late British Legion under my command, and to request that your Lordship will use your influence to obtain from the Government of Spain an acknowledgment of those claims of the officers and men which are at present unsettled.

I beg to inform your Lordship that I have in readiness the accounts of the Legion, copies of which, have already been delivered to the Spanish Commissary of that force, M. Ximenes, but as many points of dispute have arisen from the circumstance of the premature departure of the Royal Commission of organisation from San Sebastian, and as these disputes affect materially the interests of those concerned, I would solicit, as the most satisfactory and equitable method of adjustment, that these accounts be submitted to the arbitration of a Board, composed partly of persons named by the Spanish Government, and partly of officers acquainted with the regulations of our own service, who shall be named by your Lordship.

My only object is that justice shall be done to all parties, both to the Government of Spain, and the officers and men of the Legion, and for the better attaining this end, I beg to suggest that Colonel Wylde, who is more intimately acquainted than any other person with the arrangements entered into with me, be a member of the proposed Board.

I need hardly remind your Lordship, that the delay which has already arisen with regard to the settlement of these claims has caused much misery to those whose interests are concerned, and therefore, I hope the Spanish Government may come to a decision, at as early a period as possible; and I have only further to state my readiness to attend this Board, whenever it may be most convenient that it should assemble, either in San Sebastian or London.

I have the honor to be, &c.

Viscount Palmerston, G.C.B.

(Signed) M. C. O'CONNELL,

Brigadier-General.

&c. &c. &c.

No. 10.

The Hon. W. Fox Strangways to Brigadier-General O'Connell.

Sir,

Foreign Office, March 31, 1838.

IN reply to your letter of the 21st ultimo, relative to the claims of the officers and men of the late British Auxiliary Legion, I am directed by Viscount Palmerston to acquaint you that instructions were forwarded to Sir G. Villiers upon this subject, on the 6th instant, agreeably to the suggestion contained in your letter.

I am, &c.

Brigadier-General O'Connell.

(Signed) W. FOX STRANGWAYS.

&c. &c. &c.

No. 41.

Brigadier-General O'Connell to Viscount Palmerston.—(Received May 1.)

My Lord,

London, April 30, 1838.

I HAVE the honour to address your Lordship, to know whether any steps have been taken by the Spanish Government, relative to the formation of a Commission for the settlement of the claims of the Legion which I had the honour to command.

Since my last communication to your Lordship, the remnant of the Legion has disembarked in this country, having been treated with the most shameless want of faith, in an attempted settlement of their accounts. There has been an endeavour to defraud both officers and men, and they have been landed in this country in a state of cruel destitution.

I appeal to your Lordship in these circumstances, as I feel that the Legion which I commanded, had a much stronger claim for protection from Her Majesty's Government than the preceding one, from the fact that its re-engagement was directly influenced by Her Majesty's Minister at the Court of Madrid, and by Colonel Wylde; influenced by them, moreover, as an object, the attainment of which was equally desirable to the Governments of England and Spain.

I firmly believe, my Lord, that, but for the interference of Sir George Villiers and Colonel Wylde, there would have been no re-engagement of the Legion after the 10th of June, 1837, and therefore it is that I appeal to your Lordship, hoping that as we were led to form a contract with the Spanish Government through the representations of British authorities, Her Majesty's Government will insist on the just fulfilment of the stipulations of that contract.

The claims I have to make on the Spanish Government are these:—

1st.—That all appointments made by me to the new Legion shall be recognized.

2nd.—That the estimates furnished by me to the Royal Commission, at the period of the formation of the Legion, shall guide the liquidation of the officers' claims,—provided always that they are in accordance with the British regulations, as stipulated for in our contract.

3rd.—That these claims having been examined and allowed, each officer shall receive a bill for the amount due to him, and which bill shall bear interest until paid.

4th.—That each soldier shall receive a similar bill, on similar terms, for whatever amount of arrears of pay and gratuity may be due to him.

Moreover as the officers, whose presence in London would be absolutely necessary for the satisfactory adjustment of these claims, are now employed in various quarters on other business, and as the bringing them here would entail on them considerable expense, and, perhaps, be prejudicial to their interests in other ways, it is, I conceive, but just that they should receive a remuneration for their services while employed. The officers I allude to are four in number; Lieutenant-Colonel Clarke, and three paymasters of corps.

I believe, my Lord, that I make no claim on the Spanish Government which is not perfectly just, but unless your Lordship should assist me to obtain redress for the gallant and ill-used men who served under my command, I must despair of effecting anything in their behalf, unless, indeed, I can find a member of each house to bring the subject under the consideration of the Legislature.

I have the honour to be, &c.

(Signed) M. C. O'CONNELL,

Viscount Palmerston, G.C.B.

Late Brig.-Gen. Comdng. B. A. L.

&c. &c. &c.

No. 42.

J. Backhouse, Esq., to Brigadier-General O'Connell.

Sir,

Foreign Office, May 5, 1838.

I AM directed by Viscount Palmerston to acknowledge the receipt of your letter of the 30th ultimo, requesting to be informed whether any steps have been taken by the Spanish Government relative to the formation of a Commission for

the settlement of the claims of the Legion which you lately commanded. Referring to my letter of the 31st of March last, I am directed to acquaint you that Sir George Villiers has received from Count Ofalia a note dated the 10th ultimo, in answer to one which Sir George Villiers addressed to that Minister, founded upon your representation to Lord Palmerston of the 21st of February. In that answer, Count Ofalia states, that the Spanish Minister of War had again repeated the most positive orders that the installation of the Commission, which is to sit in London for the examination and payment of the pensions and other claims of the Legion, should be carried into effect as soon as possible; and that if the Spanish Minister in London thought that it would be useful that Colonel Wylde should be a member of that Board, according to your suggestion, the Minister of War had no objection to offer. Colonel Wylde, however, has now returned to his post in Spain, and cannot therefore be a member of the proposed Commission.

Mr. Commissary Black has recently arrived in England; but M. Ximenes is not yet come; and Sir George Villiers has been instructed again earnestly to request that M. Ximenes may be directed to proceed to England without further delay, if he should not have already set out for London by the time that instructions arrive.

I am further to state to you, that Lord Palmerston will not fail to give every assistance in his power in furtherance of the claims of the late Legion; but with respect to any responsibility of the British Government for the performance of the conditions upon which the Legion engaged in the service of the Queen of Spain, as arising out of the circumstance of Colonel Wylde having acted as a Commissioner for the reorganization of the Legion, I am to inform you, that an official despatch was received from Colonel Wylde, dated the 27th of May, 1837, in which he says, that he had been asked by General Espartero to act in conjunction with the Spanish General Tena, as one of the two Commissioners to be appointed for the purpose of reorganizing the Legion. And that he (Colonel Wylde,) had accepted the proposal; but "that in consenting to give his assistance to the Spanish Government, in the formation of a new Legion, he had caused it to be clearly understood that he did so as a private individual, and not in any official capacity; and that Her Britannic Majesty's Government in no way took part in the negotiations, nor was in any way responsible for the fulfilment of the terms."

I am, &c.

Brigadier-General O'Connell.
&c. &c. &c.

(Signed) J. BACKHOUSE.

No. 43.

Brigadier-General O'Connell to Viscount Palmerston.

(Extract.)

London, May 10, 1838.

I HAVE the honour to acknowledge the receipt of a letter from Mr. Backhouse, in answer to my communication of the 30th April.

With reference to Colonel Wylde's despatch to your Lordship, I can only say that I believe I have the means of proving, if I must bring the subject under the consideration of Parliament, that that officer did throw the whole weight of his political position into the scale, and that both he and Sir G. Villiers did most indubitably compromise themselves in their eager endeavours to secure the reorganization of the Legion. How far they acted with the instructions of their Government, is, of course, better known to your Lordship than to myself; but I must say that if they did not feel assured of your Lordship's support, they have incurred a very undesirable responsibility.

I have had no wish to make any demand that it would be at all embarrassing to your Lordship to accede to, and I cannot conceive that the Spanish Government would at all object to the appointment of a Commission for the purpose of adjusting the differences between the Legion and themselves, but from a passage in Mr. Backhouse's letter it appears to me that your Lordship has misunderstood the object for which I have asked for a Commission. The passage I allude to is that which mentions Mr. Black's arrival in London. Now Mr. Black has no connection whatever with the second Legion, and will, I suppose, be quite sufficiently occupied with the affairs of the first. I ask for a Commission

to inquire into the various questions and differences which have arisen since the 10th June, 1837 ; for instance, the officers who were under my command have only been allowed a gratuity of three months' pay whilst they are entitled to six. Many other disallowances have been made which are unjust, and it is that we may have these points fairly determined, and a settlement made accordingly, that I ask for this commission.

No. 44.

J. Backhouse, Esq., to Brigadier-General O'Connell.

Foreign Office, June 7, 1838.

Sir,

WITH reference to your letter to Viscount Palmerston of the 10th ultimo, I am directed by his Lordship to acquaint you, that the Spanish Minister at this Court has stated it to be his impression, that Commissary Ximenes who belonged to the new Legion in Spain which you commanded, and who is just arrived in England, comes authorized to adjust the affairs of the new as well as of the old Legion.

I am, &c.

(Signed) J. BACKHOUSE.

General O'Connell,
&c. &c. &c.

No. 45.

J. Backhouse, Esq., to Sir G. de Lacy Evans.

Sir,

Foreign Office, January 1, 1838.

I AM directed by Viscount Palmerston to acquaint you that his Lordship has received a despatch from Her Majesty's Minister at Madrid, inclosing the translation of a note, of which I herewith transmit to you a copy, from the Spanish Minister for Foreign Affairs respecting the claims of the old British Auxiliary Legion.

Sir George Villiers states, in the above-mentioned despatch, that a commission is to proceed to London in order to verify the accounts of the Legion; that no correct account exists in the public offices at Madrid of the sum due to the old Legion, and that even if the Spanish Government had the money, it would be impossible to settle the accounts in their present state.

Sir G. de Lacy Evans,
&c. &c. &c.

I am, &c.

(Signed)

J. BACKHOUSE.

 Inclosure in No. 45.
M. Bardaxia to Sir George Villiers.

Muy Señor mio,

Palacio, Decembre 8, 1836.

EN 20 de Noviembre procsimo anterior dije á V. S. que con aquella misma fecha trasladaba al Señor Secretario del despacho de Hacienda una copia de la nota que con la de 16 del mismo se habia V. S. servido dirigirme relativa á las justas reclamaciones de los oficiales é individuos de la antigua Legion Auxiliar Britanica al servicio de España, y hoy tengo la honra de poner en conocimiento de V. S. de orden de S. M. la Reina Gobernadora la contestacion que me ha dado el referido Señor Secretario del despacho, reducida á manifestar que S. M. altamente sensible á la sola idea de que los oficiales é individuos licenciados de la antigua Legion Auxiliar Britanica puedan sufrir la suerte que con colores tan vivos describe V. S. se ha servido mandar instruirle, como lo verifico, de las disposiciones acordadas por el espresado Ministro de la Guerra, con la anticipacion correspondiente para que no llegase nunca la fatalidad de que es objeto la comunicacion, y de cuos detalles resulta el conocimiento ecsacto de la verdadera causa que ha motivado tantos males, que en gran parte deben de hallarse remediados á la epoca presente.

En 6 de Mayo ultimo, es decir, mas de un mes antes de que espirase el termino de la contrata, dispuso S. M. las medidas de que V. S. tiene conocimiento por el traslado que se le hizo de la misma real orden en 9 del propio mes. Una de las espresadas disposiciones madaba que los Comisarios Don Antonio Guaxardo Fajardo y Don Roberto Grindlay pasasen inmediatamente á San Sebastian y en el perentorio termino de cuarenta dias formasen y presentasen las cuentas del tiempo de su administracion para verificar los ajustes definitivos. Con estas providencias que en aquellas circunstancias eran las unicas adoptables parece que quedaban previstos todos los extremos que la justicia y equidad pudieran demandar del Gobierno Español. Sin embargo ellas ofrecieron los resultados siguientes. En 30 del propio mes de Mayo manifestó el Ministro Llanos la imposibilidad de que el Comisario Black liquidase sus cuentas, por no estar liquidadas las anteriores: que Fajardo y Grindlay no se habian presentado en San Sebastian, y que era muy urgente lo hicieran para que rindieran sus cuentas desde la creacion de la Legion hasta el 1° de Abril del año presente en cuio dia se habia hecho cargo Black de la Comisaria. Sin embargo de este desagradable incidente que tan directamente entorpecia la liquidacion absoluta de todos los sueldos y haber de la Legion, el Ministerial de Hacienda dispuso la entrega de dos millones de Reales en letras sobre Londres y Bayona, autorizando al Gefe de la Hacienda militar de la Legion para que librase á cargo de la Pagaduria General el importe de los alcances que resultaran, á noventa dias fecha y á pagar en Londres: librando ademas setecientos mil reales para completar lo que por haberes corrientes se debia á la Legion, mandando que los demas

alcances de la misma se librasen á cargo del Tesoro, al plazo de seis meses fecha, los saldos que resultasen de haberes; y á nueve los procedentes de gratificaciones á fin de pagar los cuatro millones ciento setenta y ocho mil setecientos veinte y tres Reales que habia girado enaquella epoca el Ministro de la Legion.

En 25 de Julio dió cuenta la Comision que se formò para el licenciamiento de la espresada que quedaba realizado este en el mismo dia, habiendose hecho los ajustes parciales de los Sargentos cabos y soldados por sus mismos Gefes, autorizando al de la Contabilidad Black para el pago total de haberes de las tropas y tres mensualidades, á buena cuenta en metalico, que habian reclamado los Gefes y oficiales como condicion espresa para embarcarse, no accediendo el Gobierno á lo determinado por la referida Comision acerca de que hasta la exhibicion de las letras sobre Londres se continuase acreditando sus haberes á los mismos Gefes y oficiales, por ser notablemente gravoso y no estar estipulado en el contrato. En 22 de Agosto dió cuenta el Intendente General Militar de que disuelta la Legion habian sido satisfechos todos los haberes á los individuos de tropa licenciados hasta el 10 de Julio, esceptuando unicamente las gratificaciones y los haberes del segundo Regimiento de Lanceros; y que pagadas tambien tres mensualidades en metalico á los Gefes y oficiales para embarcarse, se les habia prometido satisfacer el resto en letras sobre Londres á seis meses, habiendose reclamado del Ministerio de Hacienda fondos para el pago de los haberes y sueldos del 2º Regimiento de Lanceros, y acordandose otras medidas mui eficaces para la presentacion de las cuentas por Fajardo y Grindlay. En 9 de Septiembre el Ministerio de Hacienda libró sobre Londres 2,500 £. st. para ocurrir en aquella Capital al pago de las pensiones y reclamaciones que se promoviesen por los individuos de la Legion; y por parte del Intendente General se porticipó en 8 del propio mes que habian sido licenciados noventa y siete oficiales y tres mil cuatrocientos diez y siete individuos de tropa, los cuales iban satisfechos de sus haberes hasta el 10 de Julio, pero que en cuanto á las gratificaciones no habia podido hacerse la calificacion por falta de datos. En 17 del espresado Septiembre avisó el Intendente General haber girado quinientos mil reales sobre Londres para atender principalmente á las viudas é inutilizados, y propuso que se nombrase en Londres una Comision de la que fuese vocal Don Antonio Diaz del Moral, para que asociado con la persona que designase el Ministro de S. M. en aquella corte, se ocupára en examinar las referidas pensiones de viudas é invalidos asi como cualquiera otra que se suscitase, lo que fué aprobado en el dia siguiente 18. Habiendo renunciado Diaz del Moral este encargo, S. M. ha admitido su dimision y con fecha de 20 de Noviembre ha nombrado al Ministro de la Hacienda militar de la actual Legion Britanica Dn. Eusebio Jimenez.

El Intendente General ha renovado sus representaciones manifestando los insuperables obstáculos que se presentaban para poder adquirir un conocimiento ecsacto del positivo alcance de la Legion, por haber sido infructuosas todas las ordenes comunicadas á los Comisarios Fajardo y Grindlay, y Black para la presentacion de cuentas, y con la misma fecha de 20 del mes anterior resolvió S. M. que siendo indispensable para proceder al examen y liquidacion de los credits de la Legion asi como para caulicar las pensiones de los inutilizados en el servicio de Campaña y de las viudas y huerfanos de los que hubiesen fallecido en accion de guerra, tener á la vista las cuentas y documentos que obran en poder de los tres referidos Comisarios, se les previniera que inmediatamente las entregasen bajo inventario al espresado Jimenez para que este se ocupara en Londres de formalizar las indicadas cuentas y que si para dicha entrega hallaba oposicion por parte de los tres Comisarios citados, recurriese á la autoridad del Comandante General de la Costa de Cantabria el cual les obligaria á cumplir lo dispuesto por S. M. cuyo objeto no es otro que el de apurar loque legitimamente se debe á la Legion disuelta, para procurar por todos los medios posibles su pronto pago y que siendo de la mayor urgencia al proceder al embarque de los oficiales que de la misma Legion aun continuaban en San Sebastian á titulo de esperar que se les satisficiesen sus reclamaciones, se librasen por la Pagaduria General á San Sebastian los fondos necesarios para acreditarles una cantidad proporcionada á cuenta de sus alcances y para satisfacer el costo de su transporte, en el concepto de que el resto se les abonaria en Londres por la Comision establecida alli, en vista del resultado de la cuenta. Afortunadamente, el Brigadier Don Juan Teña, Presidente de la Comision nombrada por la Real orden de 6 de Mayo para efectuar la disolucion de la Legion, remitió con fecha de 23 del procsimo pasado el resumen de la cuenta

formada por el Comisario Dn. Carlos Black relativa á la época de su administración la cual arroja en último resultado un alcance de £97,000 á favor de la disuelta Legion; y S. M. con presencia de este importante dato se propone adoptar las medidas mas eficaces para su pronto pago luego que dicha cuenta sea examinada por la Yntendencia General Militar á cuya dependencia se ha pasado al efecto con urgencia por Real Orden de 30 de Noviembre último.

De la serie de providencias que cronologicamente quedan apuntadas deducirá V. S. que el Gobierno de S. M. la Reina no ha hecho promesas imaginarias á los valientes Legionarios que sirvieron en sus banderas, y por consiguiente que no ha sido culpa suya, que á estas horas no se encuentren todos religiosamente pagados de lo que contrataron y se les prometió. La estremada penuria á que se halla reducido el Erario nacional por efecto natural de la sangrienta guerra que hace cuatro años destruye el pais agotando todos los manantiales de la riqueza publica es la causa de la accidental insolvencia de algunas obligaciones que tiene el Gobierno Español y de otros mil males que se deploran. Tampoco no ha contribuido poco á entorpecer este importante negocio el punible comportamiento de los Comisarios de la Legion subditos Yngleses Fajardo y Grindlay que se han obstinado en no presentar las cuentas de su administracion.

El Gobierno de S. M. la Reina en medio de los obstaculos tan insuperables ni ha visto con impasible indiferencia á los valientes legionarios que regaron con su sangre en nuestro suelo el ara santa de la libertad, ni ha faltado en lo posible á sus solemnes compromisos ni tampoco ha descuidado la liquidacion gradual de los credits de la antigua Legion, como vá demostrado: conociendo el alto merito contraido por este brillante cuerpo lo aprecia en todo su justo valor, y S. M. la Reina Gobernadora conmovida no menos de las privaciones de los valientes y benemeritos gefes, oficiales y soldados que pertenecieron á tan distinguido cuerpo siente con viva emocion sus trabajos y me manda ase gurar á V. S. que no descansará hasta conseguir la total solvencia de los credits á que se justifique que son acreedores, á cuyo efecto y con la mas señalada preferencia se esforzará el Gobierno de S. M. para procurarse los fondos necesarios con que cubrir esta obligacion tan sagrada.

Con este motivo reitero á V. S. las seguridades de mi mas distinguida consideracion.

Dios guarde á V. S. muchos años.

Besa las Manos de V. S. &c.

(Firmado) EUSEBIO DE BARDAXI Y AZARA.

Señor Ministro de S. M. Britanica.

(Translation.)

Sir,

Madrid, December 8, 1837.

ON the 20th of November last, I informed you that I transmitted, on that day, to the Minister of Finance a copy of the note, which you were pleased to address to me on the 16th of that month, relative to the just claims of the officers and individuals of the old British Auxiliary Legion in the service of Spain; and I now have the honour of communicating to you, by command of Her Majesty the Queen Regent, the reply given to me by the said Minister of Finance, namely, to manifest that Her Majesty, extremely concerned at the idea even that the discharged officers and men of the late British Auxiliary Legion should be exposed to suffer the fate which you describe in such lively colours, has been pleased to command that he should be informed, as he has been, of the measures taken in the War Office, in time sufficient to prevent the misfortune, which is the object of the communication and the particulars of which explain completely the evils which will doubtless by this time in a great measure be remedied.

On the 6th of May last, that is to say, more than a month previous to the expiration of the term of the contract, Her Majesty determined upon the measures of which you are aware from the communication made to you on the 9th of that month of the Royal Order in question. One of the measures determined upon was that the Commissioners, Don Antonio Guaxardo Faxardo and Mr. Robert Grindlay, should immediately proceed to San Sebastian, and in the peremptory term of forty days should sign and present the accounts of the time of their administration, in order to effect definitive arrangements. By these measures,

which under the circumstances were the only practicable ones, it would seem that all extremes which justice and equity could require from the Spanish Government were foreseen. Nevertheless they presented the following results. On the 30th of May the Commissary Llanos manifested the impossibility of Commissary Black to liquidate his accounts, because the former ones were not liquidated; that Faxardo and Grindlay had not presented themselves at San Sebastian, and that it was highly necessary they should do so in order to give in their accounts from the period of the creation of the Legion up to the 1st of April last, on which day Black had taken charge of the Commissariat. Notwithstanding this disagreeable occurrence, which so directly delayed the absolute liquidation of all the salaries and credits of the Legion, the Ministry of Finance directed the delivery of two millions of rials in bills upon London and Bayonne, authorising the Chief of the Military Finance of the Legion to draw upon the Treasury General for the amount of the remainder which might be due, at ninety days' date, and to pay in London: drawing besides for seven hundred thousand rials to complete that which for current credits was due to the Legion, ordering that the other balances should be drawn for in bills upon the Treasury, at six months' date, to pay the sum due on credits, and at nine months to pay those due for rewards, in order to pay the four millions one hundred and seventy-eight thousand seven hundred and twenty-three rials, which at that time the Commissary of the Legion had drawn for.

On the 25th of July the Commission formed for the discharge of the Legion, reported this to have taken place on the same day, having by means of their officers made partial arrangements with the serjeants, corporals and soldiers, Black authorizing the cashier to pay the troops all that was due to them, and moreover, three months' pay in specie to the brevet and non-commissioned officers, on account, they having expressly stipulated for such payment as the condition of their departure; the Government not acceding to the award of the said Commission, that until the presentation of the bills upon London, the chief and officers should continue being credited with their allowances, because it was most onerous and was not stipulated in the contract. On the 22nd of August the General Military Intendant reported that the Legion being dissolved, all the allowances due to the men had been paid up to the 10th of July, with the exception only of the recompenses and allowances due to the 2nd regiment of Lancers; and that three months' pay in cash had also been given to the chiefs and officers to embark, and that they had been promised to be paid the rest in bills upon London at six months, funds for the payment of the credits and dues of the 2nd regiment of Lancers, having been claimed from the Ministry of Finance, and efficient measures for the presentation of Faxardo's and Grindlay's accounts have been taken. On the 9th of September the Ministry of Finance gave bills for £2,500 upon London, to meet in that capital the payment of the pensions and claims which were made by the individuals of the Legion; and on the part of the General Intendant mention was made on the 8th of that month, that 97 officers, and 3,417 men, had been discharged, who had been paid up to the 10th of July; but with respect to the gratifications, their classification could not be made for want of data. On the 17th of September the Intendant General gave notice of having drawn for 500,000 rials upon London, principally for the payment of widows and of the disabled, and proposed that a commission should be named in London of which Don Antonio Diaz del Moral was to be a member, in order that in conjunction with the person to be nominated by Her Majesty's Minister there, it should occupy itself in examining the said pensions of widows and invalids, as well as any others which might arise, which proposal was approved on the following day, the 18th. Diaz del Moral having declined the appointment, Her Majesty accepted his resignation, and on the 20th of November appointed Don Eusebio Ximenes paymaster of the present Legion.

The Intendant General renewed his representations, showing the insuperable obstacles which presented themselves for obtaining an exact knowledge of the positive claim of the Legion, because all orders communicated to the Commissaries Faxardo, Grindlay and Black for the presentation of their accounts had been fruitless, and under the same date of the 20th of the preceding month, Her Majesty determined, that it being indispensable in order to proceed to the examination and liquidation of the claims of the Legion as also for classifying the pensions of the men disabled in the service of the Campaign and of the widows and orphans of those who had fallen on the field of battle, to be in possession

of the accounts and documents deposited with the Commissaries above-named, that they should be desired to deliver them up immediately to the said Ximenes, for him to occupy himself in London with the examination of them, and that if he met with any opposition as to the giving up of the accounts on the part of the three said Commissaries, he was to have recourse to the authority of the Commandant General of the Coast of Cantabria, who would compel them to obey the determination of Her Majesty, the object of which is no other than to ascertain what is legally due to the dissolved Legion, in order to proceed by all possible means to the speedy payment, and that it being most urgent that the officers of the Legion, who remained still at San Sebastian waiting for the settlement of their claims should embark, the Treasury General at San Sebastian furnished the funds necessary for giving them a sum proportioned to the amount of their claims and for paying the charges of their passage, in the understanding that the remainder would be paid to them by the Commission established in London, according as might result from the accounts. Fortunately, Brigadier Tena, President of the Commission named by the Royal Order of the 6th of May for effecting the dissolution of the Legion, transmitted under date of the 23rd ultimo, the abstract of the account made out by the Commissary Charles Black, during the time of his administration, which shows a definitive result of a balance of £37,000, due to the late Legion; and Her Majesty in consideration of this important fact, proposes to take the most efficacious measures for its prompt payment as soon as it has been examined by the general military Intendancy, to whom it has been sent to that effect by a Royal Order of the 30th ultimo.

From the series of measures above stated, in chronological order, you will perceive that the Government of Her Majesty the Queen, has not made false promises to the brave Legionists who served under its flag, and consequently that it is not its fault that at this moment all of them are not religiously paid that which they contracted for, and which was promised to them. The extreme penury to which the Public Treasury is reduced by the natural effect of the sanguinary war which, now for four years, destroys the country—consuming all the sources of public wealth, is the cause of the accidental incapability of the Spanish Government to satisfy some of its obligations, and of a thousand other deplorable evils. The reprehensible conduct of the British subjects, Faxardo and Grindlay, Commissaries of the Legion, who have persisted in not presenting the accounts of their administration, has not contributed a little to embarrass this important affair.

Her Majesty's Government, in the midst of such insuperable obstacles, has neither looked with indifference upon the brave Legionists who have moistened with their blood, in our land, the sacred altar of liberty; nor has it failed, as far as possible, to keep its solemn engagements; nor neglected the gradual liquidation of the claims of the late Legion, as shown above. Recognizing the distinguished merit of this brilliant corps, it fully appreciates their merit; and Her Majesty the Queen Regent, deploring the privations of the valiant and well-deserving officers and men who belonged to this distinguished corps, feels their exertions with lively emotion, and desires me to assure you that she will not be satisfied until she has accomplished the payment in full, of the claims which they shall prove to be due to them, to which end, and with the most marked preference, Her Majesty's Government will do all in its power to provide the funds necessary for satisfying this so sacred obligation.

I avail myself, &c.

(Signed) EUSEBIO DE BARDAXI Y AZARA.

The Minister of Her Britannic Majesty.

No. 46.

John Backhouse, Esq., to Sir G. De Lacy Evans.

Sir,

Foreign Office, February 26, 1838.

I AM directed by Viscount Palmerston to inclose to you the accompanying memorandum of the communications made by the Interventor-General at Madrid, in reply to an inquiry instituted by Her Majesty's Minister at that Court, relative to the state of the accounts between the Spanish Government and the old

British Auxiliary Legion; and I am to request that you will be so good as to communicate this memorandum to the officers of the old British Auxiliary Legion, whom it may concern.

I am, &c.

Sir G. De Lacy Evans,
&c. &c. &c.

(Signed) J. BACKHOUSE.

Inclosure in No. 46.

Report of an interview with the Interventor-General of the Spanish Army on the subject of the Accounts of the late British Auxiliary Legion.

AN inquiry was recently instituted by direction of Her Majesty's Minister at Madrid, for the purpose of ascertaining as nearly as possible, the real state of the accounts of the Legion, and what steps had been taken by the Spanish Government for their liquidation. The following information appears to be the substance of the communication made upon the subject by the Interventor-General at Madrid, in whose office all the business of military contability is transacted. I found that this gentleman not only showed a perfect willingness to give all the information in his power, but was evidently glad to have an opportunity of showing the pains he had taken on a subject which had been for a considerable time a source of confusion and disturbance to the Intervention.

The Interventor produced the voluminous correspondence that had taken place between him or the Intendent General and the Government on the one hand, and on the other with the Commissioner of the Legion; the different plans that had been formed to bring the accounts before him in a liquidable shape, and the various *consultas* and *dictamens* that had been made upon them.

The first difficulty that had presented itself, was the different system of military finance adopted in the British army from that followed in Spain. This circumstance rendered the letters of Commissaries of the Legion nearly unintelligible in the offices at Madrid, and left the Intendente and Interventor at the mercy of these Commissaries, who availed themselves of reasons for withholding the accounts which these Spanish authorities could not appreciate.

This difficulty was overcome by procuring copies of all the British regulations and orders respecting the interior economy of the English army, and the Interventor showed by reference to books of this description, where he had been perplexed formerly by matters now clear to him or which had been misrepresented.

The main obstacle however to the liquidation of these accounts, has always been that the Government has never been able to procure them. Up to the present moment, neither Mr. Faxardo, the Chief Commissary of the Legion, nor Mr. Grindlay, the Adjutant-Commissary-General, have as yet presented one line of their accounts.

The Interventor went into a history of all the steps he had taken to induce these gentlemen to give in their accounts; he read several of the letters of Mr. Faxardo to the Government and to the Intendency; several were intemperate and most of them irrelevant, in all, however, Mr. Faxardo denies that he has any thing to do with the accounts more than to swear to their correctness when made, and that it rested with Mr. Grindlay to draw them out.

Mr. Grindlay, on the other hand, denies that Mr. Faxardo has supplied him with the necessary materials, and declares that such is the confusion that prevailed during the early time of the Legion, such the irregularity of the paymaster, and the ignorance and neglect of duty on the part of so many persons connected with the business of that corps, that he has always had the utmost difficulty in forming an approximative account. For that purpose he was called to Madrid, and remained established there for a considerable period with an office, a Deputy-Commissary-General, and various clerks, nothing was however produced. He was subsequently sent down again to San Sebastian with full powers to collect materials on the spot. Mr. Faxardo was also to repair there to aid in the task. The latter gentleman, however, no sooner arrived there, than he embarked for England. On his return lately, he received a positive order from the Government to remain there till an account was rendered; this order

the Interventor believed had again been disobeyed, and that Mr. Faxardo had gone to Santander, in order, it was said, to proceed to England.

The patience of the Spanish Government being at length exhausted, a positive order was sent down to the Commissary Ximenes to demand the whole of the papers connected with the Legionary accounts at the hands of Messrs. Faxardo and Grindlay, and, if necessary, to apply to the Commandant-General on the coast for force to compel obedience. Under various pretexts, even this order was not complied with; the Interventor, however, produced a copy of a note from Mr. Grindlay, dated in the early part of December last, stating that the books and papers in question were ready for delivery when they should be sent for. Since which time, no communication has been received on the subject.

With reference to the statement made by Mr. Bardaji in his note of the 8th December last, to the effect that at length an abstract of the Legionary accounts had been received from the Commissary Black for the period of his administration, and that this *résumé*, which gave a balance of £97,000 in favour of the Legion, had been passed to the Intendency for examination on the 30th November last.

The Interventor produced his report upon that abstract to the Intendente, in which he stated, that though this document was highly creditable to Mr. Black, and peculiarly acceptable to the Intervention, as the only specimen of an official paper the Commissaries of the Legion had produced; yet, that it was, in reality, no account at all, properly so called, but a statement which might be correct or not, but of which the Interventor had no means of judging. The materials of this statement and the vouchers for its accuracy were what the Intervention were bound to examine. He had also pointed out that this document did not contain some of the principal classes of claims and which were considerable sources of difficulty, such as the money paid and still due for field allowances, and the gratification of officers at the close of this service.

The Interventor also remarked, that Mr. Bardaji was mistaken in stating in his note, that the abstract of accounts presented by Mr. Black, related only to the period of that Commissary's administration; for, on the contrary, it commences with a balance, as estimated by Messrs. Faxardo and Grindlay, to whom or when declared the Interventor was not aware, nor is it stated.

Seeing the obscurity in which the subject was involved, and the difficulty in drawing the accounts from the absence of many officers, paymasters, and other persons who had left Spain, the late Intendente General had proposed to the Government to appoint a Commission in London for the examination and liquidation of the accounts of the Legion. This idea was adopted, and M. Ximenes, the Commissary, was instructed to proceed to London with the papers he should receive from Messrs. Faxardo and Grindlay, and there form part of a Commission with this object. The Interventor, however, explained, that such a Commission scarcely possessed any advantages over one in Madrid; whereas, on the other hand, such would be the difficulty and delay occurring daily from the necessity of reference to the Government offices here, that he said he did not believe that its task would ever be brought to a conclusion. Under this conviction, he had addressed a proposal to the Government, stating all the reasons which, in his opinion, existed for changing the locality of the commission. He proposed to summon all the commissaries to Madrid, who have been concerned in the Legionary accounts, and to examine them there before a commission of two or more persons empowered to decide finally on these claims. He stated, that from all he had seen he was convinced a real and complete account can never now be formed for want of data; but that a commission, consisting of honourable and intelligent persons, truly desirous of settling this most vexatious question might, without difficulty, come to an *equitable adjustment*, between the Government and its creditors of the dissolved Legion, which ought to satisfy both; and he considered that two months were sufficient to enable such a commission to bring the whole liquidation to a final close.

In conclusion, the Interventor stated, that he was ready at any time to call for any officer of his establishment, or any paper in his possession, in order to afford every information in his power to Mr. Villiers.

Madrid, February 2, 1838.

No. V. *Copies or Extracts of the original contracts and engagements entered into by the Government of Spain, or through their Ambassador, with any of Her Majesty's Ministers or Officers in command, or in Her Majesty's service, respecting any engagements of British subjects serving under the Orders in Council.*

No documents of this description are in the possession of Her Majesty's Government.

No. VI. *Copies or Extracts of General Alava's Letter, praying a Special Order to raise, in the United Kingdom, a body of 10,000 men; and Lord Palmerston's Letter, dated 11th (8th) June, 1835, stating it was the intention of His Majesty's Government to give every encouragement to Half Pay Officers, to avail themselves of the permission granted to His Majesty's subjects.*

No. 1.—*General Alava to Viscount Palmerston.*

54, Harley Street, June 5, 1835.

EL Infrascrito, Enviado Extraordinario y Ministro Plenipotenciario de Su Majestad Catolica hecho cargo por las conferencias que ha tenido ultimamente con el Excelentissimo Señor Vizconde de Palmerston, Principal Secretario de Estado y del Departamento de Negocios Estrangeros de Su Majestad Britanica, de las dificultades que pudieran presentarse para llevar á efecto por parte del gobierno de Su Majestad Britanica la cooperacion que en virtud de las ordenes de Su Majestad la Reina Gobernadora ha hecho presente á Su Excelencia, con el objeto de poner un pronto termino é la desastrosa lucha que ocupa en el dia la atencion y las fuerzas del Gobierno Español en la Navarra y Provincias Vascongadas, lucha que diversas circunstancias puramente locales han prolongado tanto; y no dudando que los Ministros de Su Majestad Britanica convendrán en que es de la mayor importancia el conseguir este objeto, aun cuando no fuese mas que para hacer desaparecer el ejemplo perniciosissimo á todas las Naciones, de una resistencia abierta contra el Gobierno legitimo; tiene la honra de solicitar del Excelentissimo Señor Vizconde de Palmerston en nombre del Gobierno de Su Majestad Catolica en conformidad del espiritu é influencia moral del Tratado de la Cuadruple Alianza de 22 de Abril del Año proximo pasado, y consiguiente á la cooperacion que la nacion Española espera obtener de sus Aliados, que el Gobierno de Su Majestad Britanica se sirva autorizarle por una orden especial del Rey en su consejo, al levantamiento en el Reino Unido de un cuerpo de tropas de diez mil hombres, dando su permisa á los subditos Britanicos, particularmente á aquellos oficiales que lo deseen, á alistarse en él para el servicio de Su Majestad Catolica, y proporcionandole de los arsenales militares aquellos articulos de armamento y demas que se necesitase para la pronta expedicion de dichas fuerzas al lugar donde su presencia pueda ser mas util.

Confiado el Infrascrito, en los sinceros sentimientos que animan al Gobierno de Su Majestad Britanica en favor de la justa causa de Su Majestad la Reina Doña Isabel Segunda, y persuadido del vivo interés que en ella ha acreditado desde un principio el Excelentissimo Señor Vizconde de Palmerston, se lisonjea del feliz exito de su demanda, y aprovecha con el mayor gusto esta ocasion para reiterar á Su Excelencia las seguridades de su mas alta consideracion.

(Firmado) MIGUEL RICARDO DE ALAVA.

Excelentissimo Señor Vizconde Palmerston.

(Translation.)

54, Harley Street, June 5, 1835.

THE Undersigned, Envoy Extraordinary and Minister Plenipotentiary of Her Catholic Majesty, being aware from the Conferences which he has lately held with His Excellency Viscount Palmerston, His Britannic Majesty's Principal Secretary of State for Foreign Affairs, of the difficulties that might present themselves in carrying into effect on the part of His Britannic Majesty's Government, the co-operation, which, by order of Her Majesty the Queen Regent, he has mentioned to His Excellency, with the view of speedily termina-

ting the unfortunate struggle, which now engages the attention and forces of the Spanish Government in Navarre and the Basque Provinces, a struggle which various local circumstances have so much protracted; and not doubting that the Ministers of His Britannic Majesty will agree that it is of the greatest importance to attain this object, even if it were only for the purpose of getting rid of an example so highly pernicious to all nations, namely, that of an open resistance to the legitimate Government, has the honour to request from His Excellency Viscount Palmerston, in the name of the Government of Her Catholic Majesty, in conformity with the spirit and moral influence of the Treaty of the Quadruple Alliance of the 22nd of April last year, and with the co-operation which the Spanish nation hopes to obtain from her Allies, that the Government of His Britannic Majesty will be pleased to authorise him by a special order of the King in Council to raise in the United Kingdom a body of ten thousand troops, giving His Majesty's permission to British subjects, particularly to such officers as desire it, to enlist in the same, for the service of Her Catholic Majesty, and furnishing him from the military arsenals with the articles of armament, and others, which may be necessary for the speedy departure of the said forces for the place where their presence may be most useful.

The Undersigned, confiding in the sincerity of the sentiments which animate the Government of His Britannic Majesty in favour of the just cause of Her Majesty Queen Isabel II. and convinced of the lively interest, which his Excellency Viscount Palmerston has taken in it from the beginning, flatters himself that his request will have a happy issue, and seizes this opportunity to repeat the assurances of his highest consideration.

(Signed)

MIGUEL RICARDO DE ALAVA.

Viscount Palmerston, G.C.B.

&c. &c. &c.

No. 2.—*Viscount Palmerston to General Alava.*

Foreign Office, June 8, 1835.

THE Undersigned, His Majesty's Principal Secretary of State for Foreign Affairs, has the honour to acknowledge the receipt of the note dated the 5th instant, which General Alava, Envoy Extraordinary and Minister Plenipotentiary of Her Catholic Majesty, addressed to the Undersigned, expressing on the part of Her Majesty Queen Isabella the 2nd, a desire that His Majesty's Government would grant authority to General Alava by a special order of the King in Council, to raise in the United Kingdom a corps of 10,000 troops, and at the same time to give to British subjects, particularly to such officers as may desire it, permission to enlist in the same for the service of the Queen. His Majesty's Government having taken General Alava's request into consideration, the Undersigned has the honour to inform him that an Order in Council will be immediately prepared for permitting British subjects to engage in the service of Her Catholic Majesty. But the Undersigned has the honour at the same time to inform General Alava, that although the King will grant permission to his subjects to engage in the service of Her Majesty the Queen of Spain, yet His Majesty cannot allow the men, who may enlist, to be formed or trained in this country; as it would not be consistent with the laws and Constitution of England, that there should be within the realm a body of armed men, not under the authority of the King, and not subject to the Mutiny Act, unless Parliament had specially consented to the presence of such troops.

The Undersigned begs leave therefore to suggest to General Alava, that it will be necessary that the men, as fast as they are raised in this country, should be sent off to a Spanish port, there to be armed, equipped and organized. The arms which may be required for the equipment of these troops will be supplied, as heretofore, upon the special application of the Spanish Minister, stating the number and description of the arms wanted.

The Undersigned avails himself, &c.

General Alava.

(Signed)

PALMERSTON.

&c. &c. &c.

No. VII.—*Copies or Extracts of any Correspondence between the Foreign Office and Colonel Wylde, relating to the re-organization of the late British Auxiliary Legion.*

No. 1.

Colonel Wylde to Viscount Palmerston.—(Received June 5.)

My Lord,

San Sebastian, May 27, 1837.

I HAVE the honour to forward the enclosed copy and translation of a letter I have this day received from General Espartero, and believing that, in complying with the request it contains, I should be acting in accordance with your Lordship's wishes; I have had no hesitation in so doing.

I hope to be able to retain from one to two thousand of the best men of the Legion; the Commissary-General, Mr. Llanos, having arrived here with a sufficient supply of money to satisfy the claims of the non-commissioned officers and men, and a further sum is promised to be sent from Madrid to pay the officers.

I have, however, in consenting to give my assistance to the Spanish Government, in the formation of a new Legion, caused it to be clearly understood, that I do so as a private individual, and not in my official capacity; and that His Britannic Majesty's Government in no way takes a part in the negotiations, or is in any way responsible for the fulfilment of the terms.

I have the honour to be, &c.

Viscount Palmerston,
&c. &c. &c.

(Signed) W. WYLDE, *Colonel.*

Inclosure in No. 1.

General Espartero to Colonel Wylde.

Al Exmo. Señor General De Lacy Evans digo con esta fecha lo que sigue.
Exmo. Señor.

NADA podría llenar el objeto que S.M. se ha propuesto en la Real Orden que tube el honor le transcribir á V. E. con motivo de la terminacion del contrato hecho con la Legion Ausiliar Britannica, que la eleccion de una persona de la misma Nacion que á la par de de su celo y de una dilustracion esclarecida reuna la escelente voluntad que se necesita para atender á la infinidad de detalles que deve producir el licenciamento y embarque de los individuos que hayan de restituirse á su pais. El distinguido Coronel Wylde asociado con el Brigadier Don Juan Tena, llenaria Exmo Señor de un modo el mas eficaz en mi concepto, las condiciones precisas para tan importante trabajo; y como S. M. La Reyna Gobernadora desea por otra parte, que los subditos Yngleses á quienes el amor á la mas justa de las causas les impela á continuar prestando los buenos servicios con que han honrado nuestras armas, pueden hacerlo bajo las bases de una nueva estipulacion, nadie mejor que el Señor Coronel Wylde, por su conocimiento de la indole y costumbres Ynglesas y las del Ejercito Español, podría contribuir al nuevo convenió que hubiese de celebrarse en virtud de la regla 10^o prescripta en la Real Orden que tube el honor de translader á V. E. el 21 del corriente. En su consecuencia espero que sirviendose V. E. manifestar mi deseo al Señor Coronel Wylde, tenga este la bondad de aceptar tan interesante encargo, cuyo desempeño será, por su parte, una nueva preuva del anhelo conque siempre se presta á faborecer la causa de nuestra innocente Reyna y Señora.

Lo que tengo el honor de transcribir á V. S. para que persuadiendose de la confianza con que me prometo la digna cooperacion de V. S. en este asunto, pueda desde luego y en union del Bridagier Dn Juan Tena, concertar los medios de llevar en efecto las intenciones del Gobierno Español.

Dios guarde a V. S. muchos años.

Cuartel General de Hernani, 26 de Mayo, de 1837.

Colonel Wylde.

(Firmado)

EL CONDE DE LUCHANA.

(Translation.)

To His Excellency General De Lacy Evans, under this day's date I wrote the following.

Your Excellency,

Head-quarters, Hernani, 26th of May, 1837.

NOTHING could better fulfil the object Her Majesty proposed by the Royal order, which I had the honour to transmit to your Excellency, regarding the termination of the contract made with the British Auxiliary Legion, than

the choice of a person of the same nation, who, in addition to his zeal and talents, unites the willingness necessary to attend to the infinity of details necessarily occasioned by the discharge and embarkation of such individuals as may wish to return to their own country.

The distinguished Colonel Wylde associated with the Brigadier Don Juan Tena, would, in my opinion, fulfil the necessary arrangements for so important an undertaking in the most satisfactory manner, and as her Majesty the Queen Regent wishes on the other hand that the British subjects, who may be impelled by a zeal for the most just of causes, to continue to lend the good services with which they have hitherto honoured our arms, may do so under the conditions of a new agreement. Nobody could contribute more efficaciously than Colonel Wylde, from his knowledge of the English character and customs and of those of the Spanish army, to the new agreement which it is proposed to make in virtue of the tenth resolution of Royal order, which I had the honour of transmitting to your Excellency on the 21st instant. And I hope that, upon your Excellency's making known to Colonel Wylde my wishes, he will have the goodness to accept a commission of so much interest, the undertaking of which will be on his part a new proof of the zeal with which he has always lent himself to support the cause of our innocent Queen and Sovereign.

Which I have the honour to transmit to you, in order that, persuaded as I am, that I may confidently rely on your earnest co-operation in this affair, you may immediately, and in conjunction with Brigadier Don Juan Tena, carry into effect the intentions of the Spanish Government. God preserve you many years.

Colonel Wylde.

(Signed)

THE COUNT OF LUCHANA.

No. 2.

Viscount Palmerston to Colonel Wylde.

Sir,

Foreign Office, June 19, 1837.

HIS Majesty's Government entirely approve of your having, in compliance with the wishes of the Spanish Government, consented to assist in making the arrangements connected with the re-organization of the British Auxiliary Legion, as reported in your despatch of the 27th ult.

I am, &c.

(Signed)

PALMERSTON.

No. 3.

Colonel Wylde to Viscount Palmerston.

(Extract.)

San Sebastian, June 28, 1837.

THE formation of the Legion is completely at a stand-still for want of money. Sufficient to pay the officers of the old one three months' pay is all that has arrived here as yet; but a sufficient number of vessels to embark about eight hundred men have at last been collected from Santander and other ports, and three sailed for England to-day.

No. 4.

Colonel Wylde to Viscount Palmerston.—(Received July 19, 1837.)

(Extract.)

San Sebastian, July 19, 1837.

THE whole of the men of the old Legion have now sailed for England, the last of them having embarked the day before yesterday in the *Parmelia* transport. About sixteen officers also went with her, but forty or fifty still remain, having refused to stir until they are paid their arrears. The new Legion consists of about 900 infantry, 200 cavalry, of whom only eighty are mounted, and 200 artillery. Many more men offered themselves latterly, but we had not a farthing to go on recruiting with, or to give even those who had already enlisted their bounty, and the Commission was therefore obliged to embark them. The new Legion are now receiving their Real a day breakfast money from the private funds of their officers. I do not feel justified in remaining here any longer: it is therefore my intention to proceed to General Espartero's Head Quarters in the beginning of next week.

No. VIII.—*Copies or Extracts of any Correspondence relating to the payment for Supplies to Her Majesty's Government from that of the Queen of Spain, with any Statement of any Sums or Securities received.*

(1.)—*G. W. F. Villiers, Esq. to M. Martinez de la Rosa.*

(Extract.)

Madrid, March 30, 1835.

I HAVE received instructions from my Government to communicate to your Excellency, that the Additional Articles of the Quadruple Treaty having been laid before both Houses of Parliament, the period is arrived for bringing before Parliament the account of the former transactions, and the estimates of expenses to be incurred in future for the Supplies which the Spanish Government may consider necessary.

His Majesty's Secretary of State for Foreign Affairs has, accordingly, conferred with the Minister of Her Catholic Majesty in London, upon the mode and time of paying for these Supplies.

The Treasury having called upon the Secretary of State for Foreign Affairs to require payment from the Spanish Government, the Duke of Wellington has proposed to suspend this demand, and to make it at some future period, when there will be less pressure upon the resources of Spain.

It has been my duty to bring the above circumstances under the cognizance of your Excellency, although I am perfectly aware that your Excellency looks upon the supply of arms and stores as a friendly act of assistance on the part of the King, my master; and that the Government of Her Catholic Majesty has always contemplated the punctual and honourable discharge of the engagements under which these supplies have been furnished.

Martinez de la Rosa.

(Signed) G. W. VILLIERS.

(2.)—*M. Martinez de la Rosa to G. W. F. Villiers, Esq.*

(Translation.)

Sir,

Palace, April 1, 1835,

I HAVE submitted to Her Majesty the Queen Regent the note which you addressed to me of the date of the 30th of last month. Her Majesty has seen with pleasure that her Minister at the Court of London, in the interview which he had with the illustrious Duke of Wellington, did not hesitate in declaring the views and intentions of the Government of her Majesty as to the stipulation of the Additional Articles of Treaty of the 22nd of April.

Whatever may be the close translation of the words made use of in the different versions of those documents, the Government of Her Majesty had, in the solemnization of those important contracts, no other views than that of availing itself of the friendly dispositions of His Britannic Majesty, in order to procure in the speediest and most efficient manner the arms and ammunition necessary for the extinction of the civil war which unhappily afflicts some of the Provinces of the North, and for the establishment of the entire tranquillity of the Peninsula, an object so essential to the interests of the rest of Europe.

Accordingly, not having the most trifling doubt as to the Spanish Government being bound to pay for all the supplies furnished by the Cabinet of His Britannic Majesty, in virtue of the said Additional Articles, I confine myself to the answer with which I am charged by the Queen Regent, that the stipulation in question is considered as a most unequivocal proof of the friendship of her August Ally. In the same manner her Majesty has seen with the greatest satisfaction a further token of the same sentiments in the communication of the illustrious Duke of Wellington, with respect to the payment of the supplies which the Cabinet of His Britannic Majesty so generously affords, in favour of the just cause which the Spanish Nation is now upholding.

G. W. F. Villiers, Esq.

FRANCISCO MARTINEZ DE LA ROSA.

[No Sums or Securities have been received from the Government of the Queen of Spain in payment of Supplies furnished by the British Government.]

No. IX.—*Copies or Extracts of all remonstrances and applications made to the Queen of Spain's Government, regarding the atrocities of the War (since the last papers presented to the House,) and showing if any, and what, further steps have been taken to promote the observance of the Eliot Convention.*

No. 1.

Viscount Palmerston to George Villiers, Esq.

Sir,

Foreign Office, April 2, 1836.

I HAVE to signify to you the entire approbation of His Majesty's Government of the steps, which in your despatch of the 7th ultimo, you stated yourself to have taken upon the subject of the murder of the mother of the Carlist Chief Cabrera, by order of the officers of the Queen's Troops in Catalonia; and I have to instruct you to ask the Spanish Government, what has been the result of the investigation which was to be instituted with respect to this transaction.

You will at the same time state to the Spanish Minister, that it is impossible to express in adequate language the disgust and indignation which this atrocious crime has produced in the minds of all persons in this country; or to describe the degree of injury which such abominations necessarily do to the cause of the Queen.

You will earnestly entreat the Spanish Government to take the most effectual measures, to prevent the recurrence of such disgraceful acts, and to give to the war, in every Province in which it may unfortunately be carried on, the character of a contest among the inhabitants of a civilized country.

I am, &c.

George Villiers, Esq.,
&c. &c. &c.

(Signed)

PALMERSTON.

No. 2.

George Villiers, Esq. to Viscount Palmerston.—(Received May 1.)

My Lord,

Madrid, April 23, 1836.

I HAD the honour on the 15th instant, to receive your Lordship's despatch of the 2nd instant.

I have read its contents to M. Mendizabal, and I requested that his Excellency would officially inform me what had been the result of the investigation which he some time since told me had been instituted with respect to the murder of Cabrera's mother.

M. Mendizabal said he could assure me, that the intelligence of that event, could not have produced feelings of greater indignation in the public of England, than it had done in the minds of himself and his colleagues, but that immediately upon its coming to the knowledge of the Government, the Captain-General of the province was directed to forward to Madrid all the documents connected with the transaction. General Nogueras was deprived of his command and ordered to repair *de cuartel* to Valencia, where proceedings were to be instituted against him. Some delay took place in this, as the Captain-General of Aragon informed the Government, that at the moment he had no officer in whom he could confide to replace General Nogueras in a post which was of the greatest importance.

In the meanwhile a letter was received from General Mina, stating that he had ordered the execution of Cabrera's mother, not by way of reprisals, but in conformity with a sentence passed upon her by a military commission, (the Province having been declared to be in a state of siege, for a conspiracy in which she had been clearly proved to be a principal agent.

The Government then directed General Mina to transmit copies of the evidence taken on the trial, together with the names of the Fiscal, and the persons composing the commission, and any documents which might throw light upon the transaction. Similar orders were at the same time sent to the Civil Governor of Tortosa, in order that the Government might be better able to form a correct opinion upon the matter, by comparing the information furnished by these different authorities. The papers appear not to have arrived yet, in consequence of the uncertain state of the roads between Catalonia and the capital.

M. Mendizabal further stated, that General Nogueras is now in Valencia,

where his conduct is under investigation; and that the Government was determined to ascertain the truth respecting a transaction which had caused such universal indignation, and to punish the parties, be they whom they may, who shall be found guilty.

I am, &c.
(Signed) GEORGE VILLIERS.

Viscount Palmerston, G.C.B.
&c. &c. &c.

No. 3.

Viscount Palmerston to George Villiers, Esq.

Sir, *Foreign Office, April 28, 1836.*

HIS Majesty's Government, adverting to the fact that, under the 8th Article of the Convention, concluded under the mediation of Lord Eliot, no provision is made for extending the benefit of the humane stipulations of that Convention to any other parts of Spain than the Provinces of Biscay, Alava, and Guipuscoa, and the Kingdom of Navarre, except in the event of the operations of the armies then at war in the three above-mentioned provinces and in Navarre, in whose behalf the Convention was concluded, being extended to the other provinces of the Spanish Monarchy; and His Majesty's Government considering it extremely desirable that the Convention should be extended to other parts of Spain, in which hostilities may be carried on by the parties engaged in the civil war, I have to instruct you to bring this subject under the consideration of M. Mendizabal, and to consult that Minister as to the steps which might be the best calculated to attain so desirable an end.

I am, &c.
(Signed) PALMERSTON.

George Villiers, Esq.
&c. &c. &c.

No. 4.

George Villiers, Esq. to Viscount Palmerston.—(Received June 6.)

My Lord, *Madrid, May 29, 1836.*

I HAVE the honour to inform your Lordship, that I have at various times during the last few months, discussed with M. Mendizabal the question of extending the benefits of Lord Eliot's Convention to those provinces of Spain where the civil war exists, and which are included in the stipulations of the Convention.

The difficulties which M. Mendizabal found in complying with my suggestion, were of the same nature as those urged by M. Isturitz, with whom I had yesterday a conversation upon the contents of your Lordship's despatch, dated April 28th; the events of the last three weeks having prevented my bringing the subject at an earlier date under the consideration of the Government.

M. Isturitz assured me that, however desirous he might be of humanizing the civil war, and of deferring to any wish that emanated from His Majesty's Government, yet he feared that an attempt to extend the benefits of the Convention beyond the provinces to which it at present applies, would be found dangerous, and even impossible.

His Excellency said, that in the Biscayan Provinces and Navarre, where there are two regular armies, under their respective commanders, no difficulty exists in carrying the Convention into effect; but that in a vast range of country throughout Catalonia, Aragon, Valencia, and Galicia, the Carlists are scattered in irregular bands, each of which pays a sort of obedience to the chief whom chance has placed at its head, but which are quite independent of Don Carlos or his authority, and only espouse his cause for the sake of leading the guerilla life, which is so congenial to their tastes.

An agreement entered into with one of these chiefs would not be binding upon another; and it would be impossible for the Government to attempt making numerous distinct treaties, which would raise these men and their warfare into political importance.

Should the attempt, however, be made by the Government, it is the opinion of M. Isturitz that its execution would not be suffered by the country, nor would any regard be paid to such arrangements, and even, added His Excellency, were this not to be the case, results would ensue prejudicial to the general interests of society, and at variance with the humane objects sought by His Majesty's Government; for the provinces mentioned above are infested by banditti and marauders of every description, who, when apprehended in the commission of their lawless acts, would plead "Carlism" in their defence, and must then either go unpunished, or be the cause of some horrible retaliation, if treated as their crimes deserve.

Under these circumstances, which he deplored, M. Isturitz said he could not at present venture upon a measure degrading to the Queen's Government, and which, if the difficulties of carrying it into effect were overcome, would be universally unpopular.

I have, &c.
(Signed) GEORGE VILLIERS.

Viscount Palmerston, G.C.B.
&c. &c. &c.

No. 5.

George Villiers, Esq. to Viscount Palmerston.—(Received June 20.)

(Extract.)

Madrid, June 12, 1836.

I HAVE the honour to inform your Lordship, that the faction of Torres and Mombiola having been of late hard pressed by the Queen's troops, under General Gurrea, in Catalonia, resolved upon passing into Navarre. They entered Upper Aragon on the 1st instant, and the Commandant of that district having had notice of their approach, opposed their crossing the Alcanadre at the bridge of Lascellas, while more detachments of troops of the line and national guards came down upon their rear from Barbastro. Two hundred of the faction were killed, many were made prisoners, and the rest dispersed. Those who fled are daily being brought in by the peasantry and national guards of Huesca, Jaca, and other towns in the neighbourhood. The day after the action the two rebel chiefs, Torres and Mombiola (who is a priest), surrendered, and the other principal officers of the faction have likewise been made prisoners.

Immediately upon learning the above intelligence, I waited upon M. Isturitz, for the purpose of interceding for the lives of these men, and I expressed a hope that, although they belonged to the faction of Catalonia, and might not therefore be considered to come under the stipulations of the Eliot Treaty, yet the Government having it now in their power to set an example of clemency, an opportunity should not be neglected which might possibly check the bloody and ferocious system upon which the war is carried on. M. Isturitz assured me that so great was his horror of this system, that he should almost regret the success which had been obtained, if it were to be sullied by the blood of men whom, although they had been guilty of outrageous crimes, he could not but consider as prisoners of war. M. Isturitz added, that by a despatch he had just received, he found that Don Evaristo San Miguel, the Captain-General of Saragoza, entirely shared his sentiments, and had refused to yield to the public demand that the prisoners should be put to death, but that such was the state of fury caused by Cabrera's having recently shot fifty-four officers, that he could not answer for the tranquillity of the province or its capital if he persisted in sparing the lives of Torres and Mombiola.

M. Isturitz said that the Government firmly relied upon the Captain-General's humane disposition, and that he would not have recourse to extreme measures unless compelled by inevitable necessity.

No. 6.

Viscount Palmerston to George Villiers, Esq.

Sir,

Foreign Office, June 20, 1836.

I TAKE advantage of the departure of the present messenger to convey to you my approval of the step which you took, as reported in your despatch of the 12th instant, of waiting upon M. Isturitz to intercede for the lives of the two rebel chiefs Torres and Mombiola, and the other officers belonging to the faction of Catalonia, who have been made prisoners by the troops of the Queen of Spain.

George Villiers, Esq.

I am, &c.

(Signed) PALMERSTON.

§c. §c. §c.

No. 7.

George Villiers, Esq. to Viscount Palmerston.—(Received June 26, 1836.)

My Lord,

Madrid, June 18, 1836.

I HAVE the honour to inform your Lordship, that the Government have received despatches from the Captain General of Saragoza, stating that it had been his painful but imperative duty to execute the two rebel chiefs, Torres and Mombiola; several officers, and about four hundred men, who were taken at the same time, remain prisoners of war.

It should be observed that the whole of this faction belonged to Catalonia; and, having been made prisoners in Aragon, had no right to claim protection under the stipulations of the Eliot Treaty, although the Government was anxious, by extending to them its provisions, to be the first in setting an example of humanity.

His Majesty's Consul at Barcelona informs me, that the ferocious cruelties of Torres and Mombiola will long be remembered by the Catalan peasantry.

I have taken advantage of General Cordoba's visit to Madrid, to discuss with him the possibility of humanizing the civil war, by making the provisions of Lord Eliot's Treaty general. I informed him that His Majesty's Government were warmly interested in the accomplishment of this object, as well on account of the Queen's cause as of the rights and interests of humanity. I likewise stated the substance of my recent conversation with M. Isturitz, and what appeared to be the views of the Government upon the subject.

General Cordoba said, that the Government acted prudently in declining to adopt a measure which, in the present state of opinion, might have mischievous political consequences; but that the same motives did not apply to himself, and that he should be quite willing to incur the responsibility of entering upon the necessary arrangements for effecting an object so desirable; and that he did not anticipate great difficulty in it, as Eguia is likely to be well disposed to the measure, and as he claims a general authority over the Carlist chiefs throughout the country.

This authority can hardly be said to be recognized by them, but General Cordoba does not think they would disobey an order from Don Carlos for exchanging prisoners of war, if the system were observed by the Queen's officers.

General Cordoba said, that if he succeeded in procuring Eguia's consent, he would take upon himself to make the necessary communications to the Captains-General of Aragon, Catalonia and Valencia.

For his own part, General Cordoba assured me, that since he took the command of the army, there had not occurred a single infraction of the Eliot Treaty.

I have, &c.

Viscount Palmerston, G.C.B.

(Signed) GEORGE VILLIERS.

§c. §c. §c.

No. 8.

George Villiers, Esq. to Viscount Palmerston.—(Received July 10.)

(Extract.)

Madrid, July 2, 1836.

I HAVE the honour to inform your Lordship, that M. Isturitz communicated to me yesterday, that a despatch had been received by the Government

from General Cordoba, stating that a large number of officers, among whom were some of the best in the Queen's service, were now held prisoners by Don Carlos, in consequence of their being no Carlist officers prisoners for whom they could be given in exchange. General Cordoba suggested, that they should be exchanged for the officers now confined on board the pontoons at Lisbon.

M. Isturitz, said that the Government were ready to accede to this proposition, as it would relieve them from the expense of maintaining the prisoners at Lisbon, among whom there did not appear to be any officer of merit or distinction, and that they would be exchanged for officers whose services would be of much importance to the army at this moment. But M. Isturitz said, that as this exchange had formed the subject of the Baron de los Valles's communication to your Lordship, he did not think it proper to give effect to General Cordoba's proposal, without previously consulting with me upon the subject.

After thanking M. Isturitz for this mark of consideration, I said that I was convinced His Majesty's Government would never desire to place difficulties in the way of any measure that might be deemed beneficial to the Queen's service, and much less when such a measure was likely to forward the interests of humanity; but that I begged to suggest whether General Cordoba should not be directed to make it conditional upon the barbarous decree of Durango being annulled by the Pretender. I added, that should General Cordoba not be successful, it would still remain open to the Spanish Government to take the course they might consider advisable, but that an attempt to put a stop to the massacre of British prisoners, would certainly be viewed in England as an act reflecting credit upon the Spanish Government.

M. Isturitz said that this suggestion could not fail to be as agreeable to his colleagues as it was to himself; and he assured me that not a moment should be lost in directing General Cordoba to use every effort to procure the revocation of Don Carlos's inhuman edict.

No. 9.

Viscount Palmerston to George Villiers, Esq.

Sir,

Foreign Office, July 14, 1836.

IN answer to your despatch of the 2nd instant, on the subject of a communication made to you on the preceding day by M. Isturitz, relative to a plan which General Cordoba had proposed for exchanging the Carlist officers now confined on board the pontoons at Lisbon, against officers of the Queen's army who are held prisoners by Don Carlos, I have to acquaint you, that His Majesty's Government entirely approve of the language which you held on that occasion; and of your suggestion, that General Cordoba should be directed to endeavour to make the proposed exchange of prisoners conditional upon the revocation of the Durango decree by Don Carlos.

I am, &c.

George Villiers, Esq.

(Signed) PALMERSTON.

&c. &c. &c.

No. 10.

Viscount Palmerston to George Villiers, Esq.

Sir,

Foreign Office, July 21, 1836.

WITH reference to your despatch of the 2nd instant, I have to state to you that His Majesty's Government would learn with great pleasure that the Carlist officers and men, now detained in the Tagus, had been exchanged for an equal number of the Queen's troops taken prisoners by the Carlists.

I am, &c.

George Villiers, Esq.

(Signed) PALMERSTON.

&c. &c. &c.

No. 11.

George Villiers, Esq. to Viscount Palmerston.—(Received July 21.)

My Lord,

Madrid, July 12, 1836.

WITH reference to my despatch of the 2nd instant, I have the honour to inform your Lordship, that General Cordoba, in reply to the instructions which

were sent him to use every effort in order to obtain a revocation of the Edict of Durango, states, that he has received from the Carlist General Villareal, a promise that the lives of all such British soldiers as are wounded in the field of battle, as well as of those who are in hospitals, and who are made prisoners, shall be spared.

The above information I received yesterday from M. Isturitz, and the Minister of War; who further stated, that it appeared the Carlist General would not take upon himself, at that moment, to give a greater extension to his guarantee; but that General Cordoba was still in communication with him upon the subject, and not without hopes of ultimately succeeding.

The Minister of War assured me, that he should again write to General Cordoba, to express how much importance was attached by the Government to the result of his negotiation.

Viscount Palmerston, G. C. B.
&c. &c. &c.

I have, &c.
(Signed) GEORGE VILLIERS.

No. 12.

George Villiers, Esq. to Viscount Palmerston.—(Received August 3rd.)
(Extract.) *Madrid, July 24, 1836.*

WITH reference to my despatch of the 2nd instant, I have the honour to inclose the translation of a letter which I have received from General Cordova.

The absence of M. Isturitz, at San Ildefonso, has prevented my speaking to His Excellency upon the subject of this letter; but it is my intention to state my inability to take any steps in the matter, until I receive your Lordship's instructions.

Inclosure in No. 12.

(Translation.)

Sir,

HAVING agreed with the Chief of the enemy's troops upon the exchange of the prisoners belonging to the army against the Carlist Officers who have long been detained in the pontoons in Portugal, and who are the cause of expence and unnecessary trouble to the Portuguese Government, while they might facilitate to this army the means of recovering a great many good officers who are actually in the hands of the enemy, I beg your Excellency will request His Britannic Majesty's Minister at Lisbon, to interpose his powerful interference, in order that all the above-mentioned Carlists may be placed at my disposal for the purpose of being exchanged; and should this, as I hope, meet with no difficulty, that they be transported to sea by Santander, to the Commandant-General of which place I shall forward the proper instructions, hoping that the success of this negotiation will be favourable to the efforts which I am making, and which I propose to myself to continue to make, in order to procure the revocation of the inhuman and cruel decree of Durango, which excludes foreigners from the stipulations of the Convention at the same time that they are found in great numbers among the enemy's troops. Your Excellency, no doubt, is already aware that I have obtained a modification in favour of the sick and wounded, and I shall feel highly satisfied, the day when I shall be able to inform you that my views on this subject have been completed, as I flatter myself this will be the case, notwithstanding that there yet exist many obstacles, which are rendered still greater by the difficulty of treating and the care with which it is necessary to avoid every thing which may endanger the decorum of the interested parties.

I avail, &c.

Head quarters, Vitoria, July 17, 1838.

(Signed)

LUIS FERNANDEZ DE CORDOVA.

George Villiers, Esq.

No. 13.

George Villiers, Esq. to Viscount Palmerston.—(Received December 13.)
(Extract.) *Madrid, December 3, 1836.*

IN my despatch of the 26th ultimo, upon the proceedings of the Cortes, your Lordship will have observed, that a proposal that "any authority, civil or military, into whose hands the traitor, Don Carlos, may fall, should be found to inflict upon him the penalty of treason, the instant that the identity of his person was ascertained," had been made by Mr. Caballero, and passed to the Committee of Legislation.

Having reason to believe that exertions would be used to procure the adoption of this proposal, I lost no time in representing to Mr. Calatrava the effect that it would produce abroad, as it would not be believed that Her Majesty, of her own free will, had consented to so unprecedented a measure against the brother of her husband, who, in that case, might naturally be expected to retaliate, and to issue a similar decree against the Queen-mother, and her daughters; thus giving to the war a still more horrible character than that which it now possesses.

Among various other arguments against this unjustifiable proposition, I alleged that it was placing the lives of Spaniards at the mercy of every petty authority who might pretend to recognize Don Carlos; and an innocent man might thus become the victim of error, or of private vengeance.

Mr. Calatrava entirely agreed with me in opinion, and he yesterday informed me, that the proposal had been unanimously rejected by the Committee.

No. 14.

Viscount Palmerston to Sir George Villiers.

(Extract.)

Foreign Office, October 19, 1837.

HER Majesty's Government have had before them the reports of Admiral Sir Robert Stopford, of the assistance which Her Majesty's ships of war have given to the authorities of the Queen of Spain at Barcelona, Tarragona, Valencia, Vinaroz, and other places on the eastern coast of Spain; and Her Majesty's Government have seen with great satisfaction, that the British ships of war employed on that coast, have been able from time to time to render useful aid to the Queen's cause.

Sir Robert Stopford mentions that a Carlist officer by name Pereira, was shot in cold blood at Peniscola in the month of August, after he had surrendered as prisoner, and that in retaliation for that murder, fifteen Christino prisoners were led out by the Carlists and shot under the walls of Peniscola.

You will, upon this subject, express to the Spanish Government, the confident expectation of the British Government, that such atrocities as the murder of Colonel Pereira, will not again be committed by the Queen of Spain's authorities; and you will distinctly declare, that any repetition of such disgraceful acts on the part of the officers of the Spanish Government, will be followed by an immediate discontinuance of all co-operation on the part of the British ships of war, because Her Majesty's Government cannot permit British officers and men to be associated, in conjoint action, with persons who are guilty of such proceedings.

No. 15.

Sir George Villiers to Viscount Palmerston.—(Received December 6.)

My Lord,

Madrid, November 25, 1837.

IN my despatch of the 4th instant, I had the honour to inform your Lordship that, until I received further information respecting the execution of the Carlist Chief, Perciba, I had deferred carrying into effect the instructions contained in your Lordship's despatch, of October 19.

I had reason to believe that the Government would be able to make a triumphant answer upon this subject; and the intelligence I have since been able to collect has confirmed that opinion.

It appears that Perciba, who was a priest of Tortosa, and commanded the faction in the neighbourhood, invariably assassinated the prisoners who fell into his power, notwithstanding the agreement which had been entered into between the Queen's Generals and the Carlist Chiefs, that the lives of prisoners should be respected. He had therefore no claim to mercy; but he was not executed under the circumstances reported to Sir Robert Stopford, for I learn from the British Vice-Consul at Valencia, that Perciba was surprised when quite alone, in a country house near Alcala, by some national guards who took him prisoner, and conveyed him to Peniscola, where he was tried and condemned by a court martial expressly assembled for the purpose. It appeared that he had ordered the massacre of twenty-seven of the Queen's officers taken at the action of Pla del Pon, and that he barbarously murdered the whole of the prisoners that he had made at Samper de Calanda.

Sixteen national guards, who subsequently fell into the hands of the Carlists, were shot by them in sight of Peniscola, in consequence, as they said, of the convention made with Perciba having been violated; but the Vice-Consul states, that no conditions whatever were made with him at the time he was taken prisoner, and none, therefore, could have been broken.

In a war of extermination, such as that carried on by the Carlists, some reprisals and acts of vengeance on the part of the townspeople, or the friends of those who may have fallen victims, are, I fear, inevitable; but upon the whole, and whenever the Queen's authorities are in time to interfere, much moderation is displayed. Unfortunately, this is far from producing a corresponding effect upon the Carlists, who attribute it to fear, and consider that they may commit their atrocities with impunity. There have, of late, been many instances of Carlists prisoners insulting their guards, and declaring that they did not dare to treat them as the Queen's troops would be treated if they had fallen into the hands of their enemies.

I have the honour to be, &c.

Viscount Palmerston, G. C. B.
&c. &c. &c.

(Signed)

GEORGE VILLIERS.

No. 16.

Sir George Villiers to Viscount Palmerston.—(Received Jan. 3, 1838.)

My Lord,

Madrid, December 24, 1837.

I SOME time since instructed Colonel Wylde to ascertain the fate of the prisoners of the British Auxiliary Legion taken at Andoain on the 10th of September last, and I have now learned from Lieutenant Turner, who by Colonel Wylde's orders remains at Pamplona, that the peasants who have recently arrived from the neighbourhood of Tolosa, report that all the prisoners taken at Andoain on the 10th of September, 1837, were murdered at Andoain, with the exception of thirty-seven. Of these, twenty were stabbed (a punaladas,) on the high road between Andoain and Tolosa, and the remaining seventeen were shot by order of the Carlist Chief, Guibelalde, at Tolosa.

Lieutenant Turner adds, that he has no reason to doubt the truth of the above statements.

I have the honour to be, &c.

Viscount Palmerston, G. C. B.
&c. &c. &c.

(Signed)

GEORGE VILLIERS.

No. 17.

Sir George Villiers to Viscount Palmerston.—(Received March 18, 1838.)

My Lord,

Madrid, March 10, 1838.

WITH reference to my despatch of the 24th instant, I have the honour to inclose the copy and translation of a letter which has been addressed to the Madrid Gazette by General Van Halen the chief of Count Luchana's staff, respecting the manner in which the Carlists treat their prisoners.

The atrocious inhumanity of this treatment is now carried to such an extent, that I have no hesitation in saying, that the amount of human suffering was less as regards the Queen's troops, before the negotiation of the Eliot Convention, than it is at present.

In the former case, the unfortunate wretches who fell into the enemy's hands were immediately put to death. They are now compelled to work in chains; the food given to them is insufficient for the support of life; they are beaten and crowded into loathsome dungeons, where they have died by hundreds, of typhus; in short, the Eliot Convention is observed only in name by the Carlists, and virtually evaded by the barbarous means above-mentioned.

The Pretender's Generals always raise difficulties in proceeding to an exchange, and before they will permit of it, their capricious selections must be agreed to. The emaciated and squalid forms of their prisoners then never fail to attest the hardships they have endured. Many die of exhaustion on their way to the place of exchange; and, of the remainder, the greater part are com-

pelled to enter the hospital; while, on the other hand, the Carlists' prisoners are, with respect to food and clothing, placed upon the same footing with the Queen's soldiers; and upon being exchanged, they are always in a state fit for immediate service.

I have the honour to be, &c.
 Viscount Palmerston, G.C.B. (Signed) GEORGE VILLIERS.
 &c. &c. &c.

Inclosure in No. 17.

Miranda de Ebro, 25 de Febrero de 1838.

Sres. Editores de la Gaceta de Madrid.

MUY señores míos: El trato horroroso que el enemigo ha dado á nuestros prisioneros desde que se celebró el tratado llamado de Lord Elliot, se opone tanto á las leyes de la humanidad y al derecho de gentes, hasta en los pueblos mas bárbaros, que con dificultad será creído en la culta Europa; todas las reclamaciones han sido inútiles, y constantemente hemos visto venir en los canges miserables espectros desnudos, en cambio de hombres sanos, robustos y vestidos; y estos, único resto de sus compañeros, que habian muerto en las prisiones, por consecuencia del mal trato, en proporción de mas del 60 por 100. En Agosto de 1836 el enemigo tenia un número muy superior de prisioneros que el que de ellos estaban en nuestro poder; pero las victorias de los campos de Lodosa, Asturias, Villarrobledo y otras, nos hicieron superiores en su número; pudieron cangearse todos en aquel año, pero los enemigos lo impidieron negándose á permitir el cange de los Nacionales, chapelgorris, y otros individuos de cuerpos francos, á quienes iban haciendo morir paulatinamente: el General en Gefe Conde de Luchana no debió permitir esta atroz arbitrariedad, y prohibió los canges interin el enemigo no desistiese de su empeño, y á este se debió la necesidad de internarlos llevándolos hasta Cádiz y la Coruña: muriendo entre tanto á centenares en los depósitos sargentos, cabos y soldados, que con un heroismo poco comun prefirieron aquella suerte á hacer traicion á su Reina y á su patria, á lo que se les invitaba y queria forzar por medio de toda especie de violencia. Cedieron en parte con su acostumbrada mala fe, y se han hecho varios canges, cuando han querido y les ha convenido; pero no quedándoles en la actualidad apenas oficiales y un número muy inferior de tropa á los que existen en nuestros depósitos, para no desalentar á sus partidarios quedándose sin muestra de prisioneros, cuando son tantos los que están en nuestro poder de todas clases, oponen mil pretextos para el cange, y en el intervalo de seis dias de una lista que remiten á otra, dan una baja de fallecidos que excede al 17 por 100.

Una de las dificultades que han opuesto para realizar los canges, ha sido la entrega de los Nacionales de Ochandiano, y de los prisioneros que tenian del coronel Zurbano; al fin se prestaron á los primeros, porque les acomodaba cangear al coronel Reina, recién cogido, y á otros de sus predilectos en las provincias; pero solo pudieron entregar cinco, de 25 que habian cogida, porque *habian fallecido*. Ofrecieron repetidas veces traer los de Zurbano, y aun los aproximaron al lugar convenido; pero de él los retiraron otros tantos, para salir diciendo, como dice ahora el Sr. Guergué, *que todos han fallecido por consecuencia de sus vicios de juego, cigarros y otros*; reclamando se cangeen los prisioneros Guipuzcoanos en lugar de los Castellanos, no por antigüedad, pues acaban de solicitar y obtener el cange de los navarros cogidos en el valle de Echauri el penultimo dia del mes pasado, sino porque la compasion aparente solo la manifiestan por los provincianos, importándoles muy poco cangear ó no á los de las demas provincias de España, que llaman ojalateros.

Convencido de la utilidad de que la Europa, los prisioneros, sus familias y toda la nacion conozca estos detalles exactos, suplico á VV. den publicidad en la Gaceta á este escrito y á la copia adjunta de la comunicacion que el General en Gefe me ha dictado en contestacion á la del que se titula gefe del estado ayor general, no firmándola S. E. porque le denigraria mantener comunicacion directa con quien no es el gefe superior de aquellas fuerzas.

Con este motivo queda de VV. S. S. Q. S. M. B.
 (Firmado) ANTONIO VAN HALEN.
 E. M. G.

Ejército de Operaciones del Norte.

EL Excelentísimo Sr. Conde de Luchana, General en Jefe de este ejército, me encarga diga á V. ha recibido su comunicacion fechada en Bernedo el 21 del corriente, y que en su vista le manifieste que los prisioneros que se hallaban en la Coruña, están hace tiempo en Santander, de donde no han pasado ni pasarán hasta que VV. cangeen á cuantos existen en Vitoria y Logroño; lo que habria podido tener efecto hace mucho tiempo si VV., faltando á los sentimientos mas comunes en todo ente racional, no lo dilataran para dar el tiempo necesario á la consumacion de las victimas que se proponen sacrificar por medio de un trato feroz, que no seria creido por las hordas mas bárbaras; la demostracion de esta verdad, ademas de resultar por las declaraciones contestes de todos nuestros prisioneros, lo acredita la relacion en que están los muertos con el numero de los que han tenido la desgracia de caer en su poder, no bajando del 60 á 70 por 100 en la clase de tropa: dice V. que esto es debido á sus vicios, insultando asi á sus victimas, cuyas virtudes ni V. ni sus complicés podrian imitar, pues prefieren la muerte á hacer traicion á la Reina y á su patria, por mas esfuerzos y mal trato que para ello se les hace: lejos de imitar á VV. en esta conducta, no solo no se les hacen proposiciones para entrar en nuestras filas, sino que rehusamos las pretensiones de todas las clases para ello, prefiriendo el libertar á nuestros compañeros de armas. Si se ha verificado en Logroño el cange de 153 prisioneros cogidos en el valle de Echauri el mes pasado, ha sido por peticion de Garcia, acreditando en esto que su detencion de los canges no es nunca por nuestra culpa, y que cuando á VV. les conviene ó se trata e provincianos, la facilitan, acreditando con esta parcialidad la proteccion que les merecen sus partidarios del resto de España, como á ellos mismos se les hace conocer.

En Villafranca, Vergara, Huesca, Barbastro y otros puntos, desde el principio faltaron VV. al tratado Eliot, considerando como prisioneros á los enfermos y heridos que se encontraban en los hospitales, aprovechando esta situacion para hacerlos morir mas pronto; ¿y con estos antecedentes puede V. hacer justas reclamaciones de los pocos que se cogieron en Silos, sin documento que acredite lo eran realmente, y sin haber sido cogidos por fuerzas dependientes de este ejército segun terminantemente lo expresa el tratado? La obligacion que este nos imponia fue la sola causa que nos impidió ocupar á Silos cuando operábamos en sus inmediaciones, y á mas de 200 enfermos y heridos dejamos en plena libertad en todos los pueblos de la sierra al cuidado de las justicias como los encontrábamos; muchos estarán y á en esas filas, y pueden ser buenos testigos, asi como los gefes marques del Castillo y Bart, que deben su existencia en el grado de peligro en que sus heridas los pusieron á un esmerado cuidado: compárese esto con haber dejado VV. en cueros en la accion de Muzquiz en Marzo ultimo á dos oficiales prisioneros del segundo regimiento de la Guardia Real de infantería, despojándolos hasta de las camizas y zapatos, no por la tropa, sino por lo que VV. llaman oficiales, y asi es que la generalidad de cuantos caen en nuestro poder visten el uniforme de nuestros prisioneros.

Los prisioneros que V. dice han tenido la desgracia de caer en manos del coronel Zurbano, viven en la generalidad robustos y vestidos, como ha ido el mismo Verástegui, y otros estarian ya cangeados si VV. hubieran cumplido con lo tratado y ofrecido repetidas veces, y no tendria V. que decir, como dice ahora en su comunicacion, que no puede mandar los prisioneros hechos al coronel Zurbano, porque todos han fallecido en consecuencia de sus vicios, de juego, cigarros, &c. vendiendo su ropa y la racion Hombres, á quienes dejan VV. desnudos, y cuya racion (cuando no les falta) es un pedazo de mal pan y las aluvias que contiene una jicara, mal pueden vender ropa y lo que a penas les alimenta para conservar la existencia. Mueren sí, de miseria, de frio, de palos, de encerrarlos como sardinas en una estrecha habitacion donde no pueden menearse ni salir para nada; y si aun asi su existencia es larga, se emplean otros medios para terminarla.

Despues de esta conducta tan opuesta á la nuestra, ¿se atreve V. á amenazar con represalias? ¿qué les quedaria á VV. que hacer si nosotros los imitásemos, pudiendo prescindir de nuestros principios? La represalia á quien toca es á nosotros; ella nos habria producido mejores resultados que la sobrada generosidad, que VV. atribuyen á falta de energia y de justicia de nuestra causa, la mas sagrada que jamás ha defendido una nacion, cual es la de la legitimidad y la civilizacion; pero todo tiene sus límites; y de no cumplir exactamente lo pactado

dando á los prisioneros el trato humano que reclama su posicion, el Gobierno de S. M. tomará las providencias convenientes, y la Europa entera acabará de conocer la especie de nuestros enemigos.

El interes natural que inspira á S. E. tanta victima espirante y el bien de la humanidad, le han hecho extenderse en esta comunicacion; y á fin de evitarlas en lo sucesivo, desea que V. disponga se verifique inmediatamente el cange de cuantos prisioneros de todas clases existan hoy en Vitoria y Logroño, cuyas relaciones remitirán á su comisionado para el efecto los respectivos comandantes generales. Verificado este, vendrán los que están en Santander y Búrgos, y se cangearán tambien en Vitoria, sin diferencia de provincianos ni castellanos. Si V. no está dispuesta á hacerlo asi, sirvace manifestarlo cuanto antes, para que con este conocimiento S. E. obre del modo que reclama la justicia. Dios guarde, &c.

Cuartel general de Miranda de Ebro, 25 de Febrero, de 1838.

El General Gefe del E. M. G. ANTONIO VAN-HALEN.

Sr. Gefe del E. M. M. de las fuerzas enemigas,

D. Juan Antonio Guergué.

Es Copia. El General Gefe del E. M. G. VAN-HALEN.

(Translation.)

To the Editors of the Madrid Gazette.

Gentlemen,

Miranda de Ebro, February 25, 1838.

THE horrible treatment of our prisoners by the enemy, since the conclusion of the so-styled Eliot Treaty, is so much in opposition to the laws of humanity, and of nations, even amongst the most barbarous people, that with difficulty it will be credited in civilized Europe; all remonstrances have been useless, and constantly we have seen arrive in the exchanges, miserable naked spectres, instead of healthy, robust, and well-clothed men: and these, sole remainder of their companions who have perished in prisons, in consequence of ill treatment, in a proportion of more than 60 per 100. In August, 1836, the enemy had a number of prisoners far superior to those then in our power; but the victories in the fields of Lodoso, Asturias, Villarobledo, and others, rendered us superior in number; all might have been exchanged in that year, but the enemy prevented it, refusing to allow the exchange of the national guards, chapelgorris, and other individuals of free corps, whom they caused to die by inches. The Commander-in Chief, Count Luchana, could not permit this atrocious arbitrariness, and prohibited exchanges from being made as long as the enemy did not desist from their intention, and to this is owing the necessity of taking them into the interior of the country, even as far as Cadiz and Corunna; in the meanwhile, serjeants, corporals, and soldiers were dying by hundreds in the depôts, who, with a rare heroism, preferred that fate to a betrayal of their Queen and their country to which they were invited, and every kind of violence was employed to force them to it. They, with their usual bad faith, yielded in part, and several exchanges were made when they wished for it, and it suited them; but they have at present hardly any officers, and a very small number of men in comparison with those in our depôts, in order not to discourage their partizans by remaining without having any prisoners to show; whilst there are so many in our power of all classes, they oppose a thousand pretexts to the exchange, and in a list which they return for one of ours, there appears, in an interval of six days, such a diminution arising from the numbers of dead as exceeds 17 in 100.

One of the difficulties which they have opposed for effecting exchanges, has been the surrender of the national guards of Ochandiano, and of the prisoners in the power of Colonel Zurbano; ultimately they agreed to the former, because it suited them to exchange Colonel Reina, recently taken, and other favorites of theirs in the provinces; but out of twenty-five taken by them, they could only produce five, because the remainder had died. They repeatedly offered to bring those of Zurbano, and even approached the place agreed upon; but they as often withdrew them from there, in order to be able to say, as does Señor Guergué, that all have died in consequence of their vices of gaming, smoking, and others, requiring that the Guipuscoan prisoners should be exchanged instead of the Castilians, not by seniority, for they have just solicited and detained the exchange of the Navarrese taken in the valley of Echauri the last day but one of the past month; but because their apparent pity is only shown for the

Provincials, as they care little or nothing for exchanging those belonging to other provinces of Spain, whom they call "ojalateros."

Convinced of the utility that Europe, the prisoners, their families, and the whole nation should be made acquainted with these exact details, I request you will publish in the Gazette this communication, and the annexed copy of one which the General-in-Chief has dictated to me in answer to that from the so-styled Chief of the Staff, His Excellency not signing it, because it would be unworthy of him to enter into direct communication with an individual who is not the superior chief of those forces.

Availing myself, &c.

(Signed) ANTONIO VAN HALEN.

Army of the Operations of the North.

HIS Excellency the Count of Luchana, General-in-Chief of this army, has ordered me to communicate to you, that he has received your communication, dated Bernedo, 21st instant, and in consequence thereof to inform you, that the prisoners who were at Corunna have been for some time since at Santander, which they have not left, nor shall they leave, until you exchange all those who are at Vitoria and Logrono, which might have been done long since, if you had not, by banishing every feeling natural to all rational beings, delayed doing so long enough to obtain the necessary time for the destruction of the victims you proposed sacrificing by means of the most cruel treatment, not to be expected from the greatest barbarians; the demonstration of this truth, besides being proved by the declarations of all our prisoners, is confirmed by the account in which the number of the dead, in the class of soldiers of those who have been so unfortunate as to fall into your power, are not less than sixty or seventy per hundred; you say that this is owing to their vices, insulting thus your victims, whose virtues neither you nor your accomplices can imitate, as they prefer death to a betrayal of their Queen and country, whatever may be the endeavours or hard usage employed against them for effecting this purpose; far from imitating you in this conduct, we not only make no proposals to them to enter our ranks, but we refuse the solicitations of every class who wish to do so, and prefer to liberate our companions in arms. If an exchange of 153 prisoners, taken in the Valley of Echauri last month, has taken place, it was at the request of Garcia, which proves that we are never to blame for the delay of the exchanges, and that when it suits you, or when there is any question of the provincials you make it easy, showing by this partiality the protection you afford your own partizans above the rest of Spain, as they themselves are made to observe.

In Villafranca, Vergara, Huesca, Barbastro, and other places, from the beginning, you failed to observe the Eliot Treaty, but considered as prisoners the sick and wounded found in the hospitals, taking advantage of this situation to make them die the sooner; and with similar precedents can you claim with justice the few prisoners that were taken in Silos, without any document to prove that they really were such, and not having been taken by the troops belonging to this army, as is mentioned expressly in the Treaty? The duty it imposed on us was the only cause that hindered us from occupying Silos when we were operating in its environs, and we left to more than 200 sick and wounded full liberty in all the towns of the Sierra, under the care of the magistrates, as we found them; probably many of them are in their ranks, and can bear faithful testimony, as well as their chiefs, the Marquis of Castillo and Bart, who owe their existence, in the state of danger into which their wounds had left them, to the care taken of them. Compare this to your leaving at the battle of Muzquiz last March two prisoners, officers of the 2nd Regiment of Infantry of the Royal Guards, quite naked, stripping them even of their shirts and shoes; this was not done by the soldiers, but by those whom you call officers, therefore the generality of those that fall into our hands are clothed in the uniform of our prisoners.

The prisoners who you say *have had the misfortune to fall into the hands of Colonel Zurbano*, are in general robust and well clothed, as was Verastegui; others would have been exchanged already, if you had complied with the Treaty, and what you repeatedly offered, and then you would not have to say, as you

now do in your communication, that you cannot send the prisoners taken from Colonel Zurbano, *because they are all dead in consequence of their vices, gaming, smoking, &c., selling both their clothes and their rations.* Men whom you leave naked, and whose allowance (when it is given to them) is a piece of bad bread and a cup of dried French beans, can scarcely sell clothes, and what will barely preserve their existence. They indeed do die of misery, cold, beating, and from being confined like herrings in a narrow space, where they can neither move nor go out for any thing; and even so, should they exist long, other means are employed to destroy life.

After this conduct so different from ours, you dare to threaten us with reprisals? What would remain for you to do, if we were to imitate you, and could but lay aside our principles? It is we who have a right to reprisals; it would have given us more advantages than our extreme generosity, which you attribute to the want of energy, and of the justice of our cause, the most sacred ever defended by any nation, which is legitimacy and civilization; but every thing has its limits; and not to comply exactly with that which is stipulated, to give the prisoners that humane treatment which their situation requires, Her Majesty's Government will take the necessary measures, and all Europe will then know what kind of enemies we have.

The natural interest with which so many dying victims inspire His Excellency, and the good of humanity, has made him lengthen this communication; and to avoid having to make them in future, he wishes you to arrange that the immediate exchange of the prisoners of all classes that are in Vitoria and Logrono may take place: the reports will be sent to the Commissioner by the respective Commanders-General for the due effect. After this is done, those who are in Santander and Burgos shall be brought, and exchanged also in Vitoria, without any difference between Provincials or Castilians. If you are not inclined to act in this manner, please to declare it as soon as possible, so that His Excellency may proceed according to justice.

God preserve, &c.

GENERAL C. S. ANTONIO VAN HALEN.

Head Quarters at Miranda de Ebro, February 25, 1838.

To the Chief of the Staff of the Enemy's Army.

Dn. Antonio Guergué.

No. 18.

Sir George Villiers to Viscount Palmerston.—(Received April 1.)

(Extract.)

Madrid, March 24, 1838.

I HAVE the honour to inform your Lordship, that I have received from Lord John Hay copies of the letters which he has addressed to General O'Donnell and to Count Luchana, with respect to six Carlist prisoners who were about to be shot in reprisal for the murder of some soldiers of the Queen's army by the Carlists.

The interference of Lord John Hay was successful in suspending the execution of the order which General O'Donnell had received from the Commander-in-Chief, and I lost not a moment in communicating with Count Ofalia upon the subject, in order that instructions might be forthwith sent to Count Luchana to approve the course pursued by General O'Donnell, and to rescind the order he had issued. I pointed out to his Excellency, that although the Carlist chiefs violated every engagement, and were everywhere committing acts disgraceful to human nature, yet it behoved the Queen's Generals not to imitate their example, but to manifest to the world the difference which existed between the regular Government of the Queen and the lawless bands of the Pretender. I added, that British officers would not be passive spectators of such an act as was about to be committed by General O'Donnell, and that if our co-operation was to be continued, the British flag must not be sullied by our being even supposed to countenance the putting prisoners to death in cold blood.

I have the honour to inclose copies of Lord John Hay's letters to General O'Donnell and Count Luchana, although I conclude that they will have been communicated by his Lordship to the Lords Commissioners of the Admiralty.

Inclosure 1 in No. 66.

*Her Majesty's Ship, North Star,
Passages, March 13, 1838.*

Excellent Sir,

THE first moment the report reached me that your Excellency had received instructions from Count Luchana, the General-in-Chief of Her Catholic Majesty's army of the North, to select six Carlist prisoners from among those at present confined in the castle of San Sebastian, and to shoot them in front of the outposts of the Pretender's forces tomorrow morning at eight o'clock, with all respect and consideration for your authority, and possessing a perfect confidence in your judgment and humanity, I felt it my duty to direct two of the superior officers under my command to wait upon your Excellency, and call your attention to the probable circumstances under which these men were made prisoners, assuming it as possible they fell under the authority of the Spanish flag, at a moment when the British flag was co-operating, and of which circumstance it appeared to me the General-in-Chief might be ignorant.

To whatever extent the laws of war may have been outraged by the forces of the Pretender Don Carlos, and I am free to admit that many acts of an aggravated nature have come under my notice since I have had the honour to co-operate with your Excellency, still I feel bound as a British officer to state that, directly or indirectly, the force under my command cannot be a party to a retaliation of that description; and as it does appear to me more than probable that these prisoners were taken under the circumstances which I have alluded to, and of which fact the General-in-Chief was ignorant of when he issued the order for their execution; for these reasons I am strongly inclined to believe that his Excellency would rescind the order for their execution, if made acquainted with the circumstances under which they were made prisoners, and I therefore earnestly request of you, should you feel it consistent with your duty, to delay the execution of the prisoners until the General-in-Chief has been informed of the circumstances attending their capture.

A sense of duty which I feel ought to overcome every other consideration, has induced me thus far to interfere; the many proofs I have witnessed of your Excellency's judgment and humanity leaves no doubt in my mind that you will receive this communication as I presume to offer it, with every sentiment of respect for your authority.

I have the honour, &c.

(Signed) JOHN HAY, Commodore.

*Geo. Leopold O'Donnell,
San Sebastian.*

Inclosure 2 in No. 18.

*Her Britannic Majesty's Ship North Star,
Passages, March 13, 1838.*

Excellent Sir,

ON hearing that an order had been received at this Head-Quarters to execute six Carlist prisoners in reprisal for the act of atrocity committed by the order of the Carlist Chief, Guergue, at Valdivia, on the 16th February, I felt it my duty to address to the Captain-General of this Province (the letter of which I inclose a copy,) conceiving it more than probable, these men were made prisoners at a moment when the British flag was co-operating with that of Her Catholic Majesty, of which fact your Excellency might not be aware.

I was induced, therefore, earnestly to request General O'Donnell to suspend the execution of the prisoners until your Excellency has been acquainted with the circumstances attending their capture, and I feel confident that your Excellency will appreciate the motives of my interference.

I shall forward a copy of my letter sent to General O'Donnell to Her Britannic Majesty's Ambassador at Madrid.

I have, &c.

(Signed) JOHN HAY, Commodore.

*His Excellency Count Luchana,
&c. &c. &c.*

M

No. 19.

Sir George Villiers to Viscount Palmerston.—(Received April 1.)

(Extract.)

Madrid, March 24, 1838.

THE Carlist Chief, Tallada, was tried at Chincilla on the 12th, and executed on the following day, for the murder of some officers who had fallen into his hands at Ynieste. Tallada made a feeble defence, and admitted that he had promised his prisoners their lives should be safe, but that he had been compelled to shoot them by order of the Vicar-General, who upon such matters possessed authority from Cabrera superior to his own.

No. 20.

Viscount Palmerston to Sir George Villiers.

Sir,

Foreign Office, April 5, 1838.

HER Majesty's Government have had under their consideration your despatch of March 24, relative to a communication which you had received from Lord John Hay, with respect to six Carlist prisoners who were about to be shot by order of Count Luchana, in reprisal for the murder of some soldiers of the Queen's army by the Carlists.

I have to instruct you to state to Count Ofalia, that the Eliot Convention was negotiated by the mediation of England, and that Her Majesty's Government must leave Count Ofalia to judge how it would be possible for Her Majesty's ships to continue co-operating with the Spanish troops on the coast of Spain, if those Spanish troops were to be guilty of a violation of that Convention.

The disgrace of such a proceeding would attach to the British as well as to the Spanish flag, if the naval co-operation were to continue after such an outrage had been committed. Her Majesty's Government would, in fact, consider such a thing as a deliberate insult offered by the Spanish authorities to the British flag.

Count Ofalia will do well to make this known to Count Luchana.

I am, &c.

Sir George Villiers,
 &c. &c. &c.

(Signed)

PALMERSTON.

No. 21.

Sir George Villiers to Viscount Palmerston.—(Received May 1.)

(Extract.)

Madrid, April 21, 1838.

IMMEDIATELY upon the receipt of your Lordship's despatch of April 5, respecting the six Carlist prisoners ordered by Count Luchana to be shot in reprisal for the murder of some soldiers of the Queen's army, I waited upon Count Ofalia, and after reading to his Excellency the despatch, I pointed out, in strong terms, the disgrace that would attach to his Excellency and his colleagues, if during their administration an act such as that contemplated by the General-in-Chief of the Queen's army, were carried into execution. I likewise dwelt upon the injury which the Pretender's cause had sustained from the barbarous system pursued by his partizans, and I expressed my hope that the Queen's Government would not render the further co-operation of Great Britain impossible, by countenancing a measure which must be execrated by every humane and honorable mind.

In the course of our conversation, I did not attempt to disguise that which I know to be the fact, that the position of the Queen's Generals is one of great difficulty. The Carlists violate the Eliot Convention with reckless ferocity, either by assassinating their prisoners, or killing them by starvation and ill usage, and they openly declare that fear prevents the Queen's officers from making

reprisals. This has caused a degree of irritation among the soldiers, which, upon several occasions, has threatened serious consequences, and as some measure of repression appears to be absolutely called for, I suggested to Count Ofalia that the course pursued by General Oraa in bringing to trial, with all the solemnity of legal proceedings, and afterwards executing the Carlist Chief, Tallada, for the murder of some officers to whom he had promised protection, was the fitting course to be adopted in similar cases, and that the Queen's Generals in the North might be instructed to proceed to the trial and punishment of such Carlist chiefs who fell into their hands, and who could be proved to have given orders to assassinate their prisoners in violation of the Eliot Convention.

I wrote to Count Ofalia the note of which I have the honour to inclose a copy to your Lordship; and yesterday I received the note, of which I inclose a copy and translation.

I have, &c.
(Signed) GEORGE VILLIERS.

P. S.—Since writing the above, I have received a letter from Captain Lynn, dated the 17th instant, stating that Count Luchana had told him (Captain Lynn, that at the time he had spared the lives of the six Carlist prisoners in deference to Lord John Hay's request, he had certainly threatened to send six others in their place, but that he had not done so, and had entirely dismissed the subject from his mind.

Inclosure 1 in No. 21.

Sir George Villiers to Count Ofalia.

Madrid, April 17, 1838.

HAVING reported to my Government the conversation which I sometime since had the honour to hold with your Excellency with respect to six Carlist prisoners, who were about to be shot by order of Count Luchana in reprisal for the murder of some soldiers of the Queen's army by the Carlists, I have been instructed to state to your Excellency, that the Eliot Convention was negotiated by the mediation of England, and that the Government of Her Britannic Majesty leave your Excellency to judge how it would be possible for Her Majesty's ships to continue co-operating with the Spanish troops on the coast of Spain, if those Spanish troops were to be guilty of a violation of that Convention.

The disgrace of such a proceeding would attach to the British as well as to the Spanish flag, if the naval co-operation were to continue after such an outrage had been committed. Her Majesty's Government would, in fact, consider such a thing as a deliberate insult offered by the Spanish authorities to the British flag, and although no doubt is entertained by my Government that that of Her Catholic Majesty will be animated with similar sentiments upon the subject, and that those sentiments will be made known to Count Luchana, yet, in order to save time and to avert a disaster (which on political grounds as well as on those of humanity, there would be so much reason to deplore), the British Consul at Bayonne has received the orders of his Government to address an official letter to Count Luchana, earnestly requesting His Excellency to consider that a deliberate violation of the Eliot Convention, committed by the Queen's authorities in sight of the British naval flag, will not fail to be looked upon in England as a national affront, and must necessarily affect the existing relations between the British and Spanish Governments, and further expressing the conviction of Her Britannic Majesty's Government, that the good judgment of Count Luchana and his devotion to the interests and cause of Her Majesty Queen Isabella, will lead him to see the inexpediency of pursuing such a course.

I have, &c.
(Signed) GEORGE VILLIERS.

His Excellency Count Ofalia,
&c. &c. &c.

Inclosure 2 in No. 21.

Count Ofalia to Sir George Villiers.

Muy Señor mio,

Palacio, 18 de Abril, de 1838

He recibido la Nota que V. S. se ha servido dirigirme en 17 del actual relativamente á seis prisioneros Carlistas que han sido conducidos desde Santander á San Sebastian de Guipuzcoa para ser allí arcabuceados en represalias del asesinato cometido por los rebeldes en Solados de la Reina; y enterada S. M. la Reina Gobernadora de lo que V. S. manifiesta, ha tenido á bien resolver se remita copia de la citada Nota al Señor Conde de Luchana, como lo verifico esta misma noche, previniendole al propio tiempo que informe sobre el asunto de que se trata, y suspenda la ejecucion de los seis prisioneros hasta la resolucion de S. M.

Aprovecho, &c.

Senor Ministro de S. M. Britanica,

(Firmado) EL CONDE DE OFALIA.

&c. &c. &c.

(Translation.)

Sir,

Madrid, April 18, 1838.

I HAVE received the note which you have been pleased to address to me on the 17th instant, relative to six Carlist prisoners who have been conveyed from Santander to St. Sebastian de Guipuzcoa, there to be shot, in reprisal, for the murder of some soldiers of the Queen's by the rebels; and Her Majesty, the Queen Regent, having been made acquainted with its contents, has been pleased to resolve, that a copy of the said note should be sent to Count Luchana, which I transmit this very night, instructing him at the same time to report upon the subject in question, and to suspend the execution of the six prisoners until Her Majesty's further pleasure be known.

I avail myself, &c.

The British Minister,

(Signed)

THE COUNT OF OFALIA.

&c. &c. &c.

No. 22.

Viscount Palmerston to Sir George Villiers.

Sir

Foreign Office, May 5, 1838.

I HAVE to instruct you again to state to Count Ofalia, as you have already done upon your own responsibility, that if the Spanish Government wish to check the cruelties of the Carlists, and the murders committed by them on Christino prisoners, the best way will be not to imitate the conduct of the Carlists by shooting innocent prisoners who have surrendered on promise of having their lives spared, and who have perhaps had no share in the crimes of their Chiefs; but to bring regularly to trial any Carlist Chief who may be taken, and if duly convicted of murder, to execute him for that crime. The Spanish Government may be assured that the formality and legality, and justice of such a proceeding, and its obvious tendency to inflict punishment upon those only, who have been guilty, will have a much more salutary effect, in repressing atrocities, than the capricious execution of men who have been perfectly innocent.

I am, &c.

Sir George Villiers,

(Signed)

PALMERSTON.

&c. &c. &c.

No. 23.

Sir George Villiers to Viscount Palmerston.—(Received May 14.)

(Extract.)

Madrid, May 5, 1838.

I HAVE the honour to inclose copies and translations of a note, with its inclosures, which I have received from Count Ofalia in reply to mine of the 17th

ultimo, respecting the Carlist prisoners, whom it was the intention of Count Luchana to shoot in reprisal, for the assassination of some soldiers of the Queen by the Carlists.

Inclosure 1 in No. 23.

Count Ofalia to Sir George Villiers.

Muy Señor mio,

Madrid, 30 de Abril, de 1838.

ME apresuro á poner en conocimiento de V. S. la contestacion que el Conde de Luchana ha dado á la comunicacion que le dirigí, con motivo de la Nota que V. S. sirvió pasarme en 17 del actual, sobre los seis prisioneros facciosos que fueron conducidos desde Santander, para ser arcabuceados en San Sebastian, en represalia del barbaro asesinato cometido con tres de nuestros soldados, por el Gefe rebelde Yturiza. Y al propio tiempo tengo la honra de incluirle tambien la respuesta que de orden de S. M. la Reina Gobernadora he dado al citado General, sobre el mismo asunto. Por el contenido de ambos documentos verá V. S. el aprecio que el General en Gefe del Ejercito del Norte y el Gobierno de S. M. la Reina han hecho de la intercesion interpuesta por el de S. M. Britanica; y S. M. la Reina Gobernadora cree deber esperar que con tan justo motivo se activará la comision del Coronel Wylde á fin de que el articulo 5º del Convenio de Lord Eliot, reciba per parte de los rebeldes, su entero cumplimiento.

Aprovecho esta oportunidad, &c.

(Firmado)

EL CONDE DE OFALIA.

Señor Ministro de S. M. Britanica.

&c. &c. &c.

(Translation.)

Sir,

Madrid, April 30th, 1838.

I HASTEN to communicate to you the answer which Count Luchana has given to the communication which I addressed to him, with reference to your note of the 17th instant, respecting the six Carlist prisoners who were brought from Santander, to be shot at St. Sebastian, in reprisal for the barbarous murder of three of our soldiers by the rebel Chief Ituriza;—and at the same time I have the honour to inclose also the reply, which by order of Her Majesty the Queen Regent, I have made to the General above-mentioned upon this subject. From the contents of these two documents, you will perceive the consideration which the Commander-in-Chief of the army of the North and the Government of Her Majesty the Queen, have for the interposed intercession of that of Her Britannic Majesty; and Her Majesty the Queen Regent confidently hopes, that with so just a motive, the commission of Colonel Wylde will be hastened, in order that the fifth Article of the Eliot Convention may meet, on the part of the rebels, its complete fulfilment.

I avail myself, &c.

The British Minister.

(Signed)

THE COUNT OF OFALIA.

Inclosure 2 in No. 23.

Count Luchana to Count Ofalia.

Cuartel General de Burgos, 20 de Abril, de 1838.

Commandancia general de los Ejercitos reunidos.

Exmo Señor.

HE recibido la real orden que V. E. se digna comunicarme con fecha 18 de este mes incluyendo copia de una nota que ha pasado el Ministro Plenipotenciario de Ynglaterra, acerca de seis prisioneros rebeldes conducidos de Santander á San Sebastian para ser fusilados en represalia de los individuos de este ejercito asesinados por los enemigos; y evacuando el informe que V. E. sirve pedirme con este motivo, debo manifestar á V. E. que habiendo aguardado el Cabecillo Yturize á que se concluyese el cange de los prisioneros rebeldes que se hallaban en la plaza de San Sebastian, cometió el barbaro atentado de asesinar un Caboy

dos soldados de nuestro ejército que se hallaban prisioneros en su poder. El Gen. O'Connel á quien dicho Cabecilla tubo la audacia, de dar conocimiento del atentado produciendo pretextos tan deviles como fué criminal el hecho; no pudo menos de llenarse de justa indignacion, y manifestarme su sentimiento por no haber tenido en su poder ningun rebelde á fusilar en represalia y vindicacion de la sangre vertida con tanta inhumanidad. Participando y de los mismos sentimientos y no pudiendo ya mirar con indiferencia la suerte de los individuos del ejército de mi mando que tienen la desgracia de caer bajo el fiero yugo de los enemigos, dispuse que de los prisioneros hechos en Yrun por ser todos Guipuzcoanos en cuia provincia y por gefe rebelde de ella se habian cometido aquellos asesinatos, marchasen de Santander á San Sebastian hasta el numero de treinta, con orden de fusilar seis de ellos, dando conocimiento el General O'Donell al Cabecilla Yturiza, con prevencion de que los 24 restantes, y los que quedahan aun en Santander servirian de rehenes para el caso de que siguiesen en su barbara costumbre de immolar victimas estando garantizada su vida por el Tratado de Lord Eliot. Dispuesto lo necesario para la ejecucion se interpuso el Comandante General de las fuerzas navales de Su Majestad Britanica en la Costa de Cantabria, sblicitando no tubiese efecto, bajo el pretexto de que al hacerse los prisioneros de aquella procedencia, habia cooperado la bandera Ynglesa. Se suspendió por lo tanta dandome parte el general O'Donell y oficiandome al mismo tiempo el Lord John Hay á quien contesté que ninguno era mas sensible que yo al derramamiento de sangre fuera de los combates; pero que ninguno tampoco estaba en ma; obligacion de procurar se asegurase la existencia de los individuos del ejército de mi mando cuando tenian la desgracia de caer en poder del enemigo: que la ferocidad de este, acreditada en tantos actos de barbarie, y en los infinitos asesinatos que habia cometido, necessitaba un freno poderoso que pusiese coto á su repeticion: que nuestra generosa conducta no habia servido mas que para aumentar su audacia y atrocidades; y que por lo mismo estaba resuelto á usar de represalias que los contubiesen; pero que lino de reconcimientto á los Yngleses por los servicios prestados en favor de nuestra causa y particularmente decidido por el noble Lord que tantas pruebas me habia dado de su interés y eficaz cooperacion; tenia un placer en que se hubiese ofrecido aquella oportunidad para acreditarle mi deferencia, mandando al General O'Donell quedase sin efecto la orden, pues en lugar de los seis individuos que iban á ser fusilados, le remitiria otros que no esubiesen en su caso, á fin de que no quedará impune el atentado cometido por nuestros enemigos. Las continuas marchas en que me he encontrado desde entonces y la consideracion de qes les castigos producen el efecto cuando son ejecutados oportunamente, ha sido causa, de que no dispusiese la remesa de los empresados individuos con aquel objeto, y que ha sido el movil de la Corte.

La sangre que se derrama, Exmo Señor, en esta guerra, es sangre Española, sangre preciosa que sostiene la mas justa de las causas y tanto mas sensible cuanto la mayor parte de las victimas lo son por la iniquidad y cruel trato que nuestros enemigos dán á los prisioneros, siendo asi que por derecho cuando no por humanidad, imitando la nuestra, debian ser respetados; pero no solo se cometen asesinatos iguales al que determinó el Cabecilla Yturiza, sino que teniendolos acinados en los depositos faltos de respiracion, desnudos, pues ignominiosamente se les despoja de sus ropas, privados del indispensable alimento, y sufriendo en las mazmorras ultrages que no es facil enumerar, han sucumbido en tanto numero que segun el expediente que se está instruyendo, llega á un sesenta por ciento los que no han podido resistir á tan inicuo trato, y aun los restantes, cuando han obtenido su libertad, en vez de ingresar en las filas, han llenado los hospitales sin ser utiles en mucho tiempo.

He examinado, Exmo Señor, el tratado Eliot y por mi parte no hé faltado á ninguno de sus articulos. Conozco que cuando la Gran Bretaña intervino en su estipulacion fué con el laudable objeto de evitar el derramamiento de sangre. Estos son mis sentimientos. Ninguno me excede en la practica de filantropia y de amor á mis semejantes en general, y particularmente á los que son Españoles, cualquiera que sea su opinion; pero el mismo interes en obsequio de la humanidad hace necesario el derecho de represalia ya que admitido aquel Tratado solo protege por nuestra fé y por nuestros nobles sentimientos, á los rebeldes que faltando átan sagrados deberes, hacen mas victimas que las que podrian resultar en una guerra sin cuartel.

Repito, Exmo Señor, que ni he infringido el Tratado Eliot, ni en el caso que se cuestiona hay ni puede haber premeditado insulto contra el Gobierno de S. M. Britanica, ni mancilla sobre su bandera y la Espanola. Estos son objetos de mi particular cuidado por su gloria. Bajo la que milito por deber; y respecto de la Aliada, por reconocimiento. El usar de represalias no es mas que la defensa propia, y yo como procurado y defensor de los individuos del ejercito, la necesito para conservar la vida inerme de los que caen en poder de los rebeldes.

Estes el unico medio de contenerlos y de evitar el derramamiento de sangre. Si no se adopta, acrecerán los actos de barbarie, y yo no podré continuar sirviendo con ventaja á la cabeza del ejercito, porque perderia el magico prestigio que la suerte me ha concedido, desde el momento que reconociese en mi la indiferencia para reprimir los atentados de los rebeldes y para proteger á mis subordinados.

Ruego á V. E. que meditando asunto de tal importancia se digne acordar lo oportuno, resolviendose de una manera clara y esplicita la conducta que se debe observar pesando todas las circunstancias y los funestos resultados que debe producir el dejar correr impunes los actos de barbarie que ejercen nuestros enemigos en los defensores del Trono legitima de nuestra inocente Reina, y de las instituciones que nos rigen.

La nota del Consul Yngles en Bayona la recibí en Pancorbo el dia 15 de este mes.

Dios, &c. &c.

(Firmado)

EL CONDE DE LUCHANA.

Secretario del Despacho de Estado.

&c. &c. &c.

(Translation.)

Head-Quarters of the United Armies.

Most Excellent Sir,

Head-Quarters, Burgos, April 20, 1838.

I HAVE received the royal order which your Excellency has been pleased to communicate to me under date of the 18th instant, inclosing the copy of a note from the British Minister, respecting six Carlist prisoners brought from Santander to St. Sebastian to be shot in reprisal for the individuals of this army murdered by the enemy, and in answer to your Excellency's inquiries upon this subject, I have to state, that the Carlist Chief Iturriza who was waiting for the conclusion of an exchange of the prisoners who were at St. Sebastian, committed the barbarous crime of murdering a corporal and two soldiers of our army who were his prisoners. General O'Donnel, to whom the said Chief had the audacity to communicate the crime, alleging pretexts as weak as the act was criminal, could not be otherwise than most indignant at such conduct, and stated to me his sorrow at not having in his power any rebel to shoot in reprisal and vengeance for the blood shed with so much inhumanity. I participating the same feelings, and not being able to look with indifference upon the fate of the soldiers under my command, who have the misfortune to fall under the cruel yoke of the enemy, ordered that of the prisoners taken at Irun, as they were all Guipuzcoans, in which province, and by the Carlist Chief of it, these murders had been committed, thirty out of the number should march from Santander to St. Sebastian, with orders that six of them should be shot, General O'Donnel informing the Carlist Chief Iturriza of it, with the observation that the remaining twenty-four, and those who were still at Santander should serve as hostages in case they should continue their barbarous custom of immolating victims whose lives are guaranteed by the Treaty of Lord Eliot; everything being ready for the execution, the Commander-in-Chief of the British Naval Forces on the Coast of Cantabria, interfered, requesting that it should not take place, on the ground that the prisoners in question were made, whilst the British Flag had co-operated. The execution was therefore suspended; General O'Donnel reporting, and at the same time Lord John Hay writing to me, to whom I replied, that to no person could the shedding of blood, not on the field of battle, be more painful than to myself: but that, likewise no person was more bound than myself to endeavour to preserve the existence of the soldiers under my command when they had the misfortune to fall into the power of the enemy, whose ferocity, sufficiently proved by so many acts of cruelty, and by the vast number

of murders committed, required a powerful restraint to be put for their prevention; that our generous conduct had only served to increase their audacity and atrocities, and that I was, therefore, determined to use reprisals which should restrain them; but that full of gratitude towards the English for the services rendered in favor of our cause, and more especially decided by the Noble Lord, who had given me so many proofs of his interest and efficacious co-operation; it afforded me pleasure that this opportunity had occurred for marking my deference to him, by desiring General O'Donnel not to execute the order, as instead of the six individuals about to be shot, I would send him others not similarly situated, in order that the crime committed by the enemy should not rest unpunished. The constant marches I have had to make since then, and the consideration that punishments produce effect when they are opportunely administered, has been the cause of my not having sent the said individuals for this object, and the ground for the note which your Excellency sends me from the British Minister to our Court.

The blood which is shed, most Excellent Sir, in this war, is Spanish blood, precious blood, which sustains the most just of causes, and so much the more painful, because the greater part of the victims are so from the iniquity and cruel treatment which our enemies inflict on their prisoners, who if our conduct were imitated, ought as a matter of right, if not for humanity's sake to be respected; but not only are murders such as that decreed by the Carlist Chief Iturriza committed, but the prisoners are crammed together in the depôts, without air and clothing, for ignominiously are they stripped, deprived of the necessary food, and suffering in dungeons, outrages which it is not easy to enumerate. They have perished in such numbers that according to the statement being drawn up, 60 per hundred have been unable to support so cruel a treatment, and even the survivors when they have obtained their liberty, instead of returning to the ranks, have filled the hospitals without being able to serve for a considerable time.

I have examined, most Excellent Sir, the Eliot Treaty, and on my part have not infringed any one of its Articles. I am aware that when Great Britain undertook its negotiation, it was with the laudable object of preventing the shedding of blood. These are my sentiments also. No one surpasses me in the practice of philanthropy and love of my fellow creatures, and particularly for those who are Spaniards, whatever their opinions may be; but the same interest in favor of humanity renders necessary the right of reprisals, since that Treaty being in force by our faith, and by our noble sentiments, only protects the rebels, who failing to observe such sacred obligations, make more victims than could result in a war were no quarter is given.

I repeat, most Excellent Sir, that I have not violated the Eliot Treaty, and in the case in question there neither is, nor could there be, a premeditated insult to the British Government, nor any stain upon its flag and that of Spain. These are objects of my particular care for its glory, under which I fight for duty, and respect for our ally, out of gratitude. The employing of reprisals is nothing more than self-defence, and I as chief and defender of my soldiers, require it for preserving intact the life of those who fall into the hands of the insurgents.

This is the only means of checking them, and of preventing the shedding of blood; if it is not adopted, these acts of barbarity will augment, and I shall be unable to continue serving with advantage at the head of the army; because I should lose the magical illusion which fortune has granted to me, from the moment that indifference for punishing the crimes of the rebels, and for protecting my subordinates became observed in me.

I request, that your Excellency having taken into consideration a subject of so much importance, will be pleased to determine what is fitting, fixing in a clear and explicit manner the conduct to be observed, duly weighing all the circumstances, and the sad consequences which may arise if the acts of cruelty exercised by the enemy upon the defenders of the legitimate throne of our innocent Queen, and of the Institutions by which we are governed, are left unpunished.

I received on the 15th instant at Pancorbo, the note of the British Consul at Bayonne.

God preserve your Excellency many years.

His Excellency Count Ofalia. (Signed) **THE COUNT OF LUCHANA.**

Inclosure 3 in No. 23.

Count Ofalia to Count Luchana

Exmo Señor,

Madrid, de Abril, de 1838.

HE dado cuenta á S. M. la Reina Gobernadora, del oficio de V. E. con fecha de 20 del corriente en que contesta al mio de 18 del mismo, con el cual le incluí una copia de la nota de este Señor Ministro de Ynglaterra, relativa á los seis prisioneros rebeldes conducidos de Santander á San Sebastian, para ser fusilados en represalia de los tres individuos de ese Ejercito asesinados vilmente por los enemigos.

Las observaciones que V. E. hace en él son esactisimas, pues que solo una pronta represalia es capaz de contener á enemigos desnaturalizados, cuia barbarie no respeta los derechos de la humanidad; ni los de la guerra, ni menos la fé de los tratados y convenios mas solemnes. Si pudo haber razon para que el Comandante-General de las fuerzas navales Britanicas se interpusiese á fin de que no tubiese efecto aquella ejecucion ralegando que los seis individuos rebeldes de que se trataba habian sido hechos prisioneros con la co-operacion de la bandera Ynglesa, y que por consiguiente no correspondia que nosotros solos dispusiesemos de su suerte; no podia haber el mismo fundamento respecto á los otros seis que V. E. se habia propuesto sustituir en lugar de aquellos mediante que en su captura no habia tenido parte la bandera Ynglesa. Es convincente la que V. E. expone sobre el particular, y me propongo comunicarlo al Señor Ministro Yngles, en contestacion á la Nota de que remití á V. E. copia, y al mismo Gobierno de Ynglaterra, por medio del Ministro de S. M. en Londres, á quien Lord Palmerston hizo iguales indicaciones ademas de la gestion que encargo al Consul Yngles en Bayona practicase con V. E. Estando pues fuera de duda el derecho y los motivos que V. E. tenia para poder disponer que en lugar de los seis prisioneros, enviados de Santander á San Sebastian, se sustituyesen otros seis en cuia captura no hubiese habido co-operacion Ynglesa; solo puede haber tres consideraciones de otro orden para que no se lleve a efecto la represalia respecto á ellos. La primera es la que V. E. mismo indica de que sus continuas marchas y la consideracion de que los castigos de esta especie no producen el efecto deseado sino cuando son ejecutados pronta y oportunamente, habian sido causa de que no hubiera dispuesto la remesa de los expresados seis prisioneros para que fuesen fusilados: 2^a que habiendo el Gobierno Yngles, intercedido eficazmente por ellos no en forma de reclamacion de un derecho, que no puede reconocerse en este caso, sino en forma de intercesion, aconseja la prudencia y la buena armonia con nuestra Aliada que se le complazca en esto: 3^a que habiendo el Gobierno Yngles ofrecido que tan pronto como el Coronel Wylde regresase á España, pasaria al Cuartel General del Pretendiente á reconvenirle energicamente, sobre el mal trato que se daba a los prisioneros que caian en manos de los facciosos, podrá el mismo Coronel ir encargado de quejarse de la barbara y atroz infraccion del Tratado de Eliot, por el malvado Yturiza, reclamando en nombre de su Gobierno. En todo caso V. E. puede tambien si lo juzga oportuno disponer que en cualquier tiempo, que el asesino Yturiza y sus complicés en el asesinato del Cabo y dos soldados de nuestro Ejercito caigan en poder de nuestras tropas, sean juzgados por un Consejo de Guerra, y castigados de una manera ejemplar, no pudiendo aprovechar el convenio de Eliot á quien tan vil e inhumanamente lo ha infringido.

Lo que comunico á V. E. de Real Orden en vista de su citado oficio.

Dios, &c.

Señor Conde de Luchana,
 &c. &c. &c.

(Firmado)

EL CONDE DE OFALIA.

(Translation.)

Most Excellent Sir,

Madrid, April 28, 1838.

I HAVE laid before Her Majesty the Queen Regent Your Excellency's Despatch of the 20th instant, in answer to mine of the 18th, in which was inclosed the copy of a note from the British Minister here respecting the six Carlist prisoners brought from Santander to St. Sebastian, to be shot in reprisal for the vile murder of three of our soldiers by the enemy. The observations made by your Excellency are most correct, for only a prompt reprisal is capable of restraining unnatural enemies, whose barbarity neither respects the laws of

humanity nor those of war, and still less the faith of the most solemn Treaties and Conventions.

If there was any ground for the interference of the Commander-in-Chief of the British naval forces to prevent the execution of the sentence, alleging that the six Carlist prisoners in question had been made so with the co-operation of the British flag, and that consequently it was not fitting that we alone should fix their fate, this argument could not hold good with respect to the other six whom your Excellency had proposed to substitute in the place of the others, because the British flag had no part in their capture. What your Excellency states upon the subject is convincing, and it is my intention to communicate it to the British Minister in answer to the note, of which I sent your Excellency a copy, and to the British Government itself, through Her Majesty's Minister in London to whom Lord Palmerston made similar representations, besides having charged the British Consul at Bayonne to make them to your Excellency. There being then no doubt of the right and of the motives which your Excellency had for determining, that, instead of the six prisoners sent from Santander to St. Sebastian, six others should be substituted in whose capture there had been no British co-operation, there can only exist three considerations of another kind for not carrying into effect the reprisal with respect to them. The first is that stated by your Excellency yourself that your continued marches, and the consideration that punishments of this nature do not produce the desired effect when they are not executed promptly and opportunely, had been the cause of your not having had the said six prisoners sent to be shot. 2°. That the British Government, having efficaciously interceded for them, not in the form of claiming a right which could not be recognized in this case, but in the form of intercession, prudence, and good harmony with our Ally, suggest that she ought to be pleased in this instance. 3dly. That the British Government, having offered that so soon as Colonel Wylde returns to Spain, he should proceed to the Head-Quarters of the Pretender, to remonstrate with him energetically respecting the mal-treatment of the prisoners made by the insurgents, the said colonel might go charged to make a complaint of the barbarous and atrocious infraction of the Eliot Treaty by the monster Iturriza, speaking in the name of his Government. At all events, your Excellency may, should you think proper, direct that whenever the murderer Iturriza and his accomplices in the murder of the corporal and two soldiers of our army may be taken by our troops, they shall be tried by a court-martial and be punished in an exemplary manner, not being allowed the benefit of the Eliot Convention, which they have so vilely and inhumanly violated.

I have the honour to make the above communication to your Excellency, by Royal Order, in reply to your despatch above cited.

Count Lachana,
&c. &c. &c.

(Signed)

THE COUNT OF OFALIA.

No. 24.

Viscount Palmerston to Colonel Wylde.

Sir,

Foreign Office, November 6, 1837.

I TRANSMIT to you a copy of a letter which I have received from the Editor of the "Morning Post," relative to the arrest of Mr. Gruneisen, the correspondent of that Newspaper, by the authorities of the Queen of Spain; and I have to instruct you to use your best exertions to obtain the release of this gentleman, who, as a non-combatant, ought to be set at liberty, and not to be detained as a prisoner of war.

I am, &c.

Colonel Wylde,
&c. &c. &c.

(Signed) PALMERSTON.

Inclosure in No. 24.

Charles Eastland Michell, Esq., to Viscount Palmerston.

My Lord,

3, Lancaster Place, November 6, 1837.

AS the acting Proprietor of the Morning Post Newspaper I lose not a moment in informing you that intelligence reached us late last night of the capture, by the Christino authorities in Spain, of our recent correspondent at the Head-Quarters Don Carlos. This gentleman, whose name is Gruneisen, was on his return to this country, when, at a small place called Munilla, near Logrono, he unfortunately fell into the hands of the Christinos. Our accounts are of Christino origin—they supply us with no particulars, but as they have reached us from several different points I fear there is no cause for doubting their accuracy.

As Mr. Gruneisen was in Spain in pursuance of my instructions, solely as the correspondent of the "Morning Post," and consequently totally unconnected with the belligerent parties, I am quite sure I have but to lay these facts before your Lordship to insure for him that protection to which, as a British subject, he is entitled. The atrocities that have been committed in Spain during the contest which unhappily devastates that country, render me particularly desirous to obtain your Lordship's immediate interference to prevent the possibility of harsh measures being resorted to, under the erroneous impression that Mr. Gruneisen was directly or indirectly implicated in the progress of the war.

I shall be happy personally to afford any further explanation your Lordship may deem desirable.

I have the honour to be, &c.

Viscount Palmerston, G.C.B. (Signed) CHARLES EASTLAND MICHELL.
&c. &c. &c.

No. 25.

Viscount Palmerston to George Villiers, Esq.

Sir,

Foreign Office, November 6, 1837.

I TRANSMIT to you a copy of a letter which I have received from the Editor of the "Morning Post," relative to the arrest of Mr. Gruneisen, the correspondent of that Newspaper, by the authorities of the Queen of Spain; and I have to instruct you to use your best exertions to obtain the release of this gentleman, who as a non-combatant, ought to be set at liberty, and not to be detained as a prisoner of war.

I am, &c.

George Villiers, Esq.

(Signed) PALMERSTON.

No. 26.

Viscount Palmerston to Colonel Wylde.

Sir,

Foreign Office, November 8, 1837.

WITH reference to my despatch of the 6th instant, respecting the arrest of Mr. Gruneisen, by the authorities of the Queen of Spain, I inclose to you a copy of a letter from Mrs. Henningsen, the mother of Mr. C. F. Henningsen, by which it appears that that gentleman was arrested at the same time with Mr. Gruneisen, and that he is now confined at Logrono, in the prison of Valburna; I have to instruct you to use your best exertions to obtain Mr. Henningsen's release. It is not known whether he had actually been serving with the Carlist forces, or whether he had merely accompanied them, as Mr. Gruneisen had done, for the purpose of sending home accounts of their proceedings, for the information of the British public; but Mr. Henningsen had only been with the Carlists three months, and both he and Mr. Gruneisen had quitted them, and were returning as travellers into France at the time when they were taken.

I should hope, therefore, that the Spanish authorities would consent to Mr. Henningsen's immediate release, as well as to that of Mr. Gruneisen.

I am, &c.

Colonel Wylde,

(Signed) PALMERSTON.

&c. &c. &c.

Inclosure in No. 26.

*Mrs. Henningsen to Viscount Palmerston.*My Lord, 5, *Porchester Place, Connaught Square, November 8, 1837.*

THE prompt interference of your Lordship in the case of the capture of Mr. Gruneisen, induces a mother to appeal with confidence to your Lordship's humanity, to exert your influence in obtaining the release of my son, Mr. C. F. Henningsen, who I have this moment learned was taken, in company with Mr. Gruneisen, on his return from the Head-Quarters of Don Carlos the 19th of October on their way to England, and is now confined at Logrono in the prison of Valburna.

His being an English subject, and a mother's anxiety, will, I trust, plead my excuse for intruding on your Lordship.

I have the honour, &c.

(Signed) LOUISA HENNINGSEN.

No. 27.

*Viscount Palmerston to Sir George Villiers.*Sir, *Foreign Office, November 8, 1837.*

WITH reference to my despatch of the 6th ultimo, respecting the arrest of Mr. Gruneisen by the authorities of the Queen of Spain, I inclose to you a copy of a letter from Mrs. Henningsen, the mother of Mr. C. F. Henningsen, by which it appears that that gentleman was arrested at the same time with Mr. Gruneisen, and that he is now confined at Logrono, in the prison of Valburna; I have to instruct you to use your best exertions to obtain Mr. Henningsen's release. It is not known whether he had actually been serving with the Carlist forces, or whether he had merely accompanied them, as Mr. Gruneisen had done, for the purpose of sending home accounts of their proceedings for the information of the British public; but Mr. Henningsen had only been with the Carlists three months, and both he and Mr. Gruneisen had quitted them, and were returning as travellers into France at the time when they were taken.

I should hope, therefore, that the Spanish authorities would consent to Mr. Henningsen's immediate release, as well as that of Mr. Gruneisen.

I am, &c.

Sir George Villiers.

(Signed)

PALMERSTON.

&c. &c. &c.

No. 28.

*Colonel Wylde to Viscount Palmerston.—(Received December 14.)*My Lord, *Pamplona, November 27, 1837.*

I HAVE the honour to acknowledge the receipt on the 23rd instant, of your Lordship's despatch, of the 8th of November, with its inclosure, instructing me to use my best exertions with the Spanish authorities for the release of Mr. Henningsen, and referring me to one respecting the arrest of Mr. Gruneisen, which I have not yet received.

In consequence of the above, I lost no time in making an official application in writing to the Count of Luchana, of which I inclose a copy, in favour of both these individuals, as I had previously done, verbally, by direction of Sir George Villiers, to which I had received an unfavourable reply, as I have already informed your Lordship in my despatch, from Logroño.

I have now the satisfaction of transmitting to your Lordship a translation of a letter which I have this instant received from the Count of Luchana, consenting, at the intercession of your Lordship, to the release of Messrs. Henningsen and Gruneisen from their confinement, on the condition that they embark immediately at Santander for England, and engage never to return again to Spain, or even to its frontiers, and on the return of Head-Quarters to Logroño,

and these gentlemen subscribing to the above conditions, they will be sent to Santander for embarkation.

I assure your Lordship, that it has required all the influence of the British and French Governments to obtain from the Count of Luchana the liberation of these individuals, not from any want of humanity on his part, but from the extreme unpopularity of the measure in the Spanish army, rendering it highly impolitic his doing so, as it was the universal wish to take this opportunity of showing their sense of the cruelty exercised by the Carlists towards foreigners in the service of the Queen of Spain, who have on every occasion been put to death under the Durango Decree. The army are therefore incensed at the idea of the British, and even the French authorities interfering now to save the lives of these individuals.

I have the honour to be, &c.

(Signed)

W. WYLDE, Colonel.

Viscount Palmerston, G.C.B.

&c. &c. &c.

Inclosure 1 No. 28.

Most Excellent Sir, Pamplona, November 23, 1837.

I HAD the honour some time since to make a verbal application to your Excellency by desire of Sir George Villiers for the release of the two British subjects, Messrs. Henningsen and Gruneisen, who were taken prisoners near Logrono by a party of Her Catholic Majesty's troops when proceeding from Don Carlos' Head-Quarters to Bayonne, and from thence to England.

I have now the honour to communicate to your Excellency, that I have this day received instructions from Lord Palmerston, Her Majesty's Secretary of State for Foreign Affairs to the same effect.

In making this request to your Excellency, I beg leave to state, I have reason to believe that one of these individuals had never taken arms in Don Carlos's service, having only visited his Head-Quarters as correspondent of an English newspaper, for the purpose of supplying information to the British public, and that the other, Mr. Henningsen, although he had formerly served in Don Carlos's army, had not done so on the occasion of his late visit. I feel convinced, therefore, that your Excellency's compliance with the request of my Government, will not be detrimental to Her Catholic Majesty's service, and that I shall have the satisfaction of communicating to his Lordship your Excellency's acquiescence with his wishes, particularly as both these individuals are ready to pledge themselves to return to England immediately, and not to interfere again, in any way, in favour of the Pretender's cause.

I have the honour, &c.

The Count Luchana.

(Signed)

W. WYLDE.

&c. &c. &c.

Inclosure 2 in No. 28.

Count Luchana to Colonel Wylde.

(Translation.)

November 26, 1837.

I HAVE to acknowledge the receipt of your letter of the 23rd instant, informing me that you have received a letter from Lord Palmerston, Her Britannic Majesty's Secretary of State for Foreign Affairs, requesting the release of Messrs. Henningsen and Gruneisen.

These individual were following the ranks of the rebel Don Carlos, and were made prisoners by troops belonging to the army under my command, consequently, in just reprisal they ought to have been put to death in the same manner as the Englishmen serving in our army are treated by Don Carlos, when they have the misfortune to fall into his power.

To this circumstance is to be added, against the individuals for whose release you apply, the very aggravating one that they may be considered as spies; but, notwithstanding, being desirous, in accordance with the wishes of my Government of obliging the British Ambassador, Lord Palmerston, and General the Count Harispe who has also interested himself in their behalf, I shall set them at liberty as soon as possible, sending them to Santander, under the guarantee that they are to be sent to England and do not return again to Spain or any part of its frontiers.

In conclusion, I request of you not to make application in future in favour of any individual who may be under similar circumstances, as I am resolved to put to death (pasar por las armas) every foreigner in the service of Don Carlos who falls into our power in just reprisals for the practice pursued by that rebel Prince.

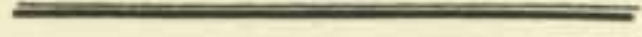
God preserve you many years.

(Signed) THE COUNT OF LUCHANA.

Head Quarters at Pamplona.

Colonel Wylde, Her Britannic Majesty's Commissioner
in this Head-Quarters.

COMMISSIONER



Indult 1 No 28

I have the honour to acknowledge the receipt of your letter of the 23rd instant, in relation to the request of your Excellency for the return of the two British subjects, Messrs. [Name] and [Name], who were taken prisoner near [Location] by a party of the [Army] on the 1st of [Month] last. I have the honour to inform you that the [Government] has resolved to grant the request, and that the two British subjects will be delivered to the [Government] on the [Date]. I have the honour to be, Sir, your obedient servant.

Indult 2 in No 28
Colonel Wylde
I have the honour to acknowledge the receipt of your letter of the 23rd instant, in relation to the request of your Excellency for the return of the two British subjects, Messrs. [Name] and [Name], who were taken prisoner near [Location] by a party of the [Army] on the 1st of [Month] last. I have the honour to inform you that the [Government] has resolved to grant the request, and that the two British subjects will be delivered to the [Government] on the [Date]. I have the honour to be, Sir, your obedient servant.

